United Nations A/HRC/32/G/1

General Assembly

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Human Rights Council
Thirty-second session
Agenda item 4
Human rights situations that require the Council's attention

Note verbale dated 12 May 2016 from the Permanent Mission of Armenia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Armenia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to draw its attention to the interim public report of the Human Rights Defender (Ombudsman) of the Nagorno-Karabakh Republic, entitled "The Atrocities Committed by Azerbaijani Military Forces against the Civilian Population of the Nagorno-Karabakh Republic and Servicemen of the Nagorno-Karabakh Defence Army" (see A/70/863-S/2016/405, annex).

The Permanent Mission of the Republic of Armenia kindly requests the Office of the High Commissioner to circulate the present note verbale as a document of the thirty-second session of the Human Rights Council under agenda item 4.

GE.16-09635(E)
1609635

Please recycle

United Nations A/HRC/32/G/2

General Assembly

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13 June 2016

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Human Rights Council
Thirty-second session
Agenda item 4
Human rights situations that require the Council's attention

Note verbale dated 17 May 2016 from the Permanent Mission of Armenia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Armenia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide herewith the statements of the Ministry of Foreign Affairs of Armenia, made on 2, 21 and 25 April 2016, regarding the military actions unleashed by Azerbaijan along the line of contact with Nagorno-Karabakh (see annex).

The Permanent Mission of the Republic of Armenia kindly requests the Office of the High Commissioner to circulate the present note verbale and the annex thereto* as a document of the thirty-second session of the Human Rights Council under agenda item 4.

* Circulated as received, in the language of submission only.

GE.16-09638(E)
1609638

Please recycle

Annex

Statements made by the Ministry of Foreign Affairs of Armenia

2 April 2016

We strongly condemn the military actions, unleashed by the Azerbaijani armed forces last night along the entire Line of Contact with Nagorno-Karabakh and the border with Armenia, which targeted also civilian infrastructures and settlements.

Baku's continued efforts to undermine the negotiation process, including the recent rejection to meet with the Minsk Group Co-Chairs, along with reinforced military attacks by Azerbaijan are yet another futile attempts of blackmailing.

Baku blatantly defies numerous calls of the international community on the settlement of the conflict through negotiations. In recent days alone the Co-Chairs of the OSCE Minsk Group, the OSCE German Chairmanship, the US Vice President and the US Secretary of State have made such statements. And this is how Azerbaijan reacts to these calls.

On numerous occasions we have drawn the attention of the international community urging to curb Baku's military ambitions having in mind exactly such a development of the situation, created by today's actions of Azerbaijan.

Azerbaijan's yet another step to escalate the situation, given its large-scale nature, the weapons used and selected targets demonstrates that Baku has chosen to consistently escalate the situation, which makes it imperative for the international community to undertake practical measures to bring Azerbaijan to order.

21 April 2016

Today the Ministry of Foreign Affairs of Azerbaijan disseminated yet another cynical statement turning obvious facts upside down in an attempt to put the responsibility on the Armenian side for military actions, unleashed on April 2 by Azerbaijan against Nagorno-Karabakh, the purpose of which is to avoid responsibility for the committed war crimes.

It is not for the first time that Baku makes futile attempts to distort the obvious reality. During communications our international partners have also confirmed that, beyond any doubt it was Azerbaijan, which initiated the large-scale offensive along the entire Line of Contact with Nagorno-Karabakh, resulting in hundreds of killed and maimed, and committed war crimes.

Armenia strongly condemns Azerbaijan's futile attempts to cast doubt on the trilateral ceasefire agreement of 1994, signed by Azerbaijan, Nagorno-Karabakh and Armenia, that does not have time limitations. It is a dangerous step which threatens with further destabilization of the situation in the region. The aggressive military actions launched by Azerbaijan at the beginning of April could not result in the cessation of the 1994 agreement, rather they imply the liability of the party which violated the ceasefire.

All of this shows that, despite the calls of the international community to continue the negotiations under the auspices of the OSCE Minsk Group Co-Chairmanship, Baku's

real intention is to undermine the settlement process. This is clearly demonstrated by the fact that the lengthy statement of the Azerbaijani Foreign Ministry does not contain any reference not only to the statements of the heads of the Co-Chair countries on the Nagorno-Karabakh conflict resolution but it also lacks any mentioning whatsoever of the only internationally mandated mediation format of the Minsk Group Co-Chairs.

Azerbaijan strives to portray the negotiations as a kind of a process that discusses solely those issues which fit Baku's interests.

It is obvious that calls and appeals are not sufficient anymore to bring Baku back to senses and definite steps are needed to bring Azerbaijan to order and into a constructive mood.

25 April 2016

Today at the UN General Assembly and Security Council Azerbaijan has disseminated yet another provocative letter dated April 14, 2016, where, striving to put the blame on Armenia, it unilaterally denounced May 12, 1994 trilateral ceasefire agreement signed between Azerbaijan, Nagorno-Karabakh and Armenia without time limitations.

Armenia strongly condemns this step whereby Azerbaijan grossly breaches May 1994 ceasefire agreement, as well as casts doubt on the July 1994 agreement on the reinforcement of ceasefire and the February 1995 agreement on the consolidation of ceasefire. Notably, the July 1994 agreement requires Azerbaijan to "maintain the ceasefire regime until signing of the big political agreement".

In this regard the OSCE Minsk Group Co-Chairs already have expressed their position to Azerbaijan, including at the OSCE, in particular stating that 1994 and 1995 agreements, whose terms do not expire, as before, make up the foundation of the cessation of hostilities in the conflict zone. The Co-Chairs called on to strictly adhere to the above-mentioned agreements and not to permit their violation. Disregarding this call, Azerbaijan resorted to this provocative step.

It is necessary to underline that the oral arrangement reached in Moscow on April 5, 2016, to which Azerbaijan refers in its letter, was directed at the cessation of aggressive actions unleashed by Azerbaijan against Nagorno-Karabakh and, as the Co-Chairs have stated, to restore the ceasefire regime. It is obvious, that the mentioned oral arrangement cannot replace the May 12, 1994 ceasefire agreement.

The 1994 and 1995 trilateral ceasefire agreements have for years served as a basis for preserving the fragile ceasefire. Any harm to these agreements is a serious obstacle for the peace process, hinders the efforts of the Co-Chairs and the Personal Representative of the OSCE Chairman in Office and undermines regional security.

Armenia urges the Co-Chair countries, the international community to immediately undertake all necessary measures to oblige Azerbaijan to strictly abide to the 1994 ceasefire agreement and to implement its international commitments to refrain from the threat or use of force.

The Ministry of Foreign Affairs of Armenia states that, taking into consideration the possible dangerous consequences emanating from this irresponsible step of Azerbaijan, and as a signatory party to 1994 and 1995 existing agreements on the ceasefire and the consolidation of the ceasefire, Armenia will exert every possible effort and carry out all necessary steps to guarantee the security of Nagorno-Karabakh and its population.

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Human Rights Council
Thirty-second session
Agenda item 4
Human rights situations that require the Council's attention

Note verbale dated 17 May 2016 from the Permanent Mission of Armenia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Armenia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide herewith the statements of the Ministry of Foreign Affairs of the Nagorno-Karabakh Republic, made on 2, 26 and 30 April and 12 May 2016, regarding the military aggression by Azerbaijan and its violation of the 1994-1995 ceasefire agreements (see annex).

The Permanent Mission of the Republic of Armenia kindly requests the Office of the High Commissioner to circulate the present note verbale and the annex thereto* as a document of the thirty-second session of the Human Rights Council under agenda item 4.

* Circulated as received, in the language of submission only.

GE.16-09644(E)
1609644

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Annex

Statements by the Ministry of Foreign Affairs of the Nagorno-Karabakh Republic

2 April 2016

In the early hours of April 2, Azerbaijan initiated an unprecedented escalation of tension along the entire line of contact between the armed forces of Azerbaijan and Nagorno Karabakh Republic, using heavy military equipment, artillery and combat aircraft. Azerbaijani armed forces fired artillery shells not only at the advanced positions of the NKR Defense Army, but also populated areas, which resulted in casualties, including among the civilian population.

Such an escalation of tension by Azerbaijan is fraught with unpredictable consequences. In the current situation, the NKR Defense Army is taking all necessary measures to force Azerbaijan to cease hostilities. Azerbaijan, which once again has undertaken an irresponsible and senseless adventure, bears full responsibility for any possible consequences.

We urge the OSCE Minsk Group Co-Chairs and the Personal Representative of the OSCE Chairperson-in-Office to strongly and publicly condemn Azerbaijan for the systematic escalation of the situation, the undermining of peace and stability in the region.

26 April 2016

Following the large-scale aggression on 2-5 April this year against the Nagorno Karabakh Republic (NKR), Azerbaijani authorities continue their efforts to finally derail the peace process and transfer it to a military dimension. Azerbaijani attempts at the UN and the OSCE to unilaterally denounce the trilateral cease-fire agreement of 12 May 1994 come to prove this. At the same time, Azerbaijan resorts to its traditional practice of fraud and manipulation, trying to put the blame on the Armenian sides and thereby avoid responsibility for unleashing the war.

In this regard, we consider it necessary to remind that the cease-fire agreement concluded between the NKR, Azerbaijan and Armenia for an indefinite term is the only real achievement in the Azerbaijani-Karabakh conflict settlement process. It is thanks to this agreement that foundations for peace talks were laid and conditions were created for the activities of the mediators to find a just and final solution to the conflict.

We share the view of the OSCE Minsk Group Co-chairs that this agreement, as well as the agreement of February 1995, is the basis for the cease-fire and its strengthening. We also consider as extremely important the consolidation of positions of the international community and the mediator-countries in taking effective and urgent measures to force Azerbaijan to comply with the commitments taken under those agreements.

NKR MFA strongly condemns any attempts by the Azerbaijani authorities to reconsider those agreements, assessing them as an explicit intention of Azerbaijan to unleash another war, and considers it necessary to fully restore the cease-fire established in May 1994.

To guarantee the security of the NKR and its people, as well as to promote peace and stability in the region, NKR authorities will take diplomatic and other possible measures to ensure the full implementation of the agreements of 12 May 1994 and 6 February 1995, and to exclude the possibility of developments along the criminal scenario planned by the Azerbaijani authorities.

30 April 2016

On April 30, 1991, 25 years ago, the operation "Ring" began with a massive shelling of Getashen and Martunashen, which became a prelude to the subsequent full-scale military aggression of Azerbaijan against the Nagorno Karabakh Republic. During the operation, the Armenian villages were at first surrounded by the interior forces of the USSR Ministry of Internal Affairs and the Soviet Army. And afterwards, the Azerbaijani OMON and militia entered those villages under the pretext of "passport checks", but in fact for murder, robbery, terror against the Armenian population, followed by deportation.

The operation "Ring" became the continuation of a series of Armenian pogroms and ethnic cleansing in Sumgait, Baku, Kirovabad and other settlements of Azerbaijan, as well as in the villages of Northern Artsakh in 1988-1991, which were intended to strangle at its birth the national liberation struggle of the Armenians of Artsakh and deprive them of their homeland. The Azerbaijani authorities did not conceal that they considered the operation "Ring" as the beginning of a large-scale deportation of all Armenians from Nagorno Karabakh.

As a result of the operation, during which tanks, combat helicopters and artillery were used, more than two dozen villages of Northern Artsakh and Shahumyan, Hadrut and Shushi regions were completely devastated and destroyed. Almost 10 thousand people were deported, more than 100 killed and several hundred taken hostage. The fate of many of them still remains unknown.

25 years later, on the night of April 2, 2016, the Azerbaijani authorities unleashed yet another aggression against the NKR, which as in 1991, was accompanied by numerous violations of international humanitarian law and war crimes committed against the civilians and soldiers of the Nagorno Karabakh Republic, including targeted shelling of peaceful settlements, killings of civilians, as well as the mutilation and ill-treatment of the dead bodies.

However, both in 1991, and now all the attempts of the Azerbaijani authorities to intimidate and break the people of Artsakh, to suppress their strive for freedom and, eventually, to deprive them of their homeland, resulted in a complete failure.

Azerbaijan's criminal behavior only strengthens the determination of the people of Artsakh to build and develop their independent and free state as the guarantor of its security and peaceful existence. Acknowledgment by the international community of this fact, and, as a result of it, the international recognition of the NKR will put an end to the ongoing attempts of Azerbaijan to destroy Artsakh and eliminate its people, and ensure peace and security in the region.

12 May 2016

Twenty-two years ago, on May 12, 1994, a termless agreement on ceasefire and cessation of hostilities, signed by the Nagorno Karabakh Republic, the Azerbaijani Republic and the Republic of Armenia through the mediation of the Russian Federation, entered into force. This agreement, as well as the February 6, 1995 trilateral agreement on

strengthening the ceasefire, signed under the auspices of the OSCE, still remain the only real achievement, which laid the foundation for peace talks and created conditions for the activities of the mediators on finding a just and final solution to the Azerbaijani-Karabakh conflict.

Before April 2, 2016, the ceasefire was generally maintained, despite the incessant attempts of Azerbaijan to destabilize the situation on the Line of Contact between the armed forces of the NKR and Azerbaijan. The NKR authorities have repeatedly drawn the attention of the international community to the purposeful actions of the Azerbaijani side, as a result of which ceasefire violations were becoming more and more threatening in their nature and scale.

Official Stepanakert has been urging the international community to condemn the deliberate policy of Azerbaijan of escalating tensions and derailing the negotiation process conducted under the auspices of the OSCE Minsk Group co-chairmanship. We have repeatedly pointed out that without an adequate and targeted international response, the consistent and purposeful actions of Azerbaijan on fomenting a war in the region will become irreversible.

In the early hours of April 2, Azerbaijan, in gross violation of the agreements of May 12, 1994 and February 6, 1995, launched a large-scale offensive along the entire Line of Contact between the armed forces of the Nagorno Karabakh Republic and Azerbaijan, using heavy weaponry, artillery and combat aircraft. Only thanks to the decisive actions of the NKR Defense Army, which gave a fitting rebuff to the insolent rival, on April 5, Azerbaijan was forced to ask, as in 1994, through the mediation of the Russian Federation for the cessation of the hostilities. It has been generally maintained, despite the recurrent violations by the Azerbaijani side.

Even after the failure of the military venture of April 2-5, Azerbaijan has not abandoned the idea to solve the conflict by force, as evidenced by the statements of the Azerbaijani officials, including at the highest level. Moreover, Azerbaijan tries to unilaterally denounce the ceasefire agreement of May 12, 1994, which is an obvious continuation of the policy on disrupting the process of peaceful settlement of the conflict and instigating a war in the region.

The Nagorno Karabakh Republic, being committed to an exclusively peaceful settlement of the conflict and making every effort to fully restore the ceasefire, is at the same time prepared to stop, in the strongest terms, any attempts of Azerbaijan to unleash another aggression.

Ensuring full compliance with May 12, 1994 agreement and the practical implementation of the February 6, 1995 agreement, which contains a set of measures on early warning and crisis stabilization is the only way of creating the necessary conditions for the resumption of the peaceful settlement process of the Azerbaijani-Karabakh conflict.

United Nations

A/HRC/32/G/4

General Assembly

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13 June 2016

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Human Rights Council
Thirty-second session
Agenda items 3 and 9
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Note verbale dated 26 May 2016 from the Permanent Mission of Armenia to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Armenia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide herewith the statement of the Republic of Armenia on the Seventh Forum of the United Nations Alliance of Civilizations (see annex).

The Permanent Mission of the Republic of Armenia kindly requests the Office of the High Commissioner to circulate the present note verbale and the annex thereto* as a document of the thirty-second session of the Human Rights Council under agenda items 3 and 9.

* Circulated as received, in the language of submission only.

GE.16-09646(E)

1609646

Please recycle

Annex

Statement by Armenia on the Seventh Forum of the United Nations Alliance of Civilizations

In the early hours of April 2, 2016 Azerbaijan unleashed large-scale offensive operations against Nagorno-Karabakh thus violating trilateral agreements of 1994 on cease-fire and of 1995 on the cease-fire consolidation, signed by Azerbaijan, Nagorno-Karabakh and Armenia, which do not have time limits. Azerbaijan has violated basic principles of international law, the decisions and declarations adopted by the OSCE Summits and Ministerial Councils, blatantly disregarding the statements of the presidents of the OSCE Minsk Group Co-Chair countries – the Russian Federation, United States of America and the French Republic, on the Nagorno-Karabakh conflict resolution.

From the very beginning of the Azerbaijani offensive the civilian infrastructures and civilian population, including children and the elderly, became intentional and indiscriminate targets. Among the first civilian victims were a 12 year old boy who was killed in front of the school building as a result of a Grad missile attack and two other schoolchildren wounded.

In one of villages in Karabakh three elderly persons, including a 92 year old woman, were brutally tortured, mutilated and killed. Moreover, three captive soldiers of the Nagorno-Karabakh armed forces were beheaded by Azerbaijani armed forces in ISIL style, which was subsequently celebrated in the towns and villages and publicized through social networks. Furthermore, during the exchange of bodies of the deceased between Nagorno-Karabakh and Azerbaijan carried out through the mediation of the International Committee of Red Cross and the Office of the Personal Representative of the OSCE Chairman in Office, it was registered that the bodies of deceased transferred by the Azerbaijani side had the evidences of severe torture and mutilation.

Those barbaric acts of Azerbaijan, going beyond elementary norms of civilized world constitute violations of core international instruments, including the Universal Declaration of Human Rights, International Covenant of Civil and Political Rights, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, etc. In this context, it is also imperative to specifically mention the blatant violation by Azerbaijan of Geneva Convention of 1949, which inter alia addresses groups exposed to specific risks, such as children, women and elderly and its additional protocol of 1977.

Azerbaijan demonstrates its total disregard for international human rights law and international humanitarian law. Persistent violations of human rights inside Azerbaijan, consistent attacks and imprisonment of its civil society representatives, the media and human rights defenders, coupled with the regular dissemination of intolerance and hatred against the Armenian people provides breeding ground for the criminal military adventurism of the Azerbaijani regime.

At the time of the gathering of the Seventh Forum of the United Nations Alliance of Civilizations the Armed Forces of Azerbaijan continue to violate the cease-fire, with new human losses. Since the beginning of Azerbaijani aggression and up today as a result of Azerbaijan's aggression hundreds were killed and wounded, including civilians. This is a manifestation of the absurdity of celebrating more peaceful and socially inclusive world, building mutual respect among peoples of different cultural and religious identities in a

country, which is engaged in barbarity and killings a few hundred kilometres away from the venue of the Forum. This is an affront to the image and the integrity of the Alliance.

In this dire situation the convening of the Seventh Forum should have been cancelled in Azerbaijan - a country that grossly violates the very aims, principles, values of the Alliance of Civilizations.

Armenia remains committed to the purposes of the Alliance and remains its Friend. However, given the circumstances, Armenia does not join the consensus on the Declaration of the Seventh Forum of the UN Alliance of Civilizations. Therefore, in the absence of consensus the Declaration cannot be adopted.

Armenia rejects the Seventh Forum, to be held in Baku, in its entirety, including its outcome.

United Nations

A HRC/32/G/5

General Assembly

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English
Original: Arabic

Human Rights Council
Thirty-second session
Agenda item 4
Human rights situations that require the Council's attention

Note verbale dated 24 May 2016 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and wishes to provide it with a letter sent to the Chair of the Human Rights Council concerning the massacre perpetrated by terrorist members of Al-Nusra Front and the Ahrar al-Sham Movement in the village of Al-Zara in Hama Governorate (see attached).*

The Permanent Mission requests the secretariat to circulate the present note as an official document of the thirty-second session of the Human Rights Council.

* Copied as received, solely in the language in which it was submitted.

GE.16-10185 (E) 200616 200616

1610185

Please recycle

مرفق المذكرة الشفوية المؤرخة 24 أيار/مايو 2016، الموجهة من البعثة الدائمة للجمهورية العربية السورية لدى مكتب الأمم المتحدة والمنظمات الدولية الأخرى في جنيف إلى أمانة مجلس حقوق الإنسان

السيد رئيس مجلس حقوق الإنسان،

أكتب إليكم بناء على تعليمات حكومتي، وأود أن أنقل إليكم تفاصيل المجزرة التي ارتكبها إرهابيو جبهة النصرة وحركة أحرار الشام في قرية الزارة التابعة لمحافظة حماة.

بتاريخ الثاني عشر من أيار 2016، وعند الساعة الرابعة صباحاً، تجمع الإرهابيون المنضوون تحت راية ما يُسمى "غرفة عمليات ريف حمص الشمالي"، والمنتشرين في ريف محافظة حمص، وهاجموا قرية الزارة الواقعة بالقرب من بحيرة مدينة الرستن في ريف محافظة حماة.

استخدم هؤلاء الإرهابيون في هجومهم عدة أصناف من الأسلحة الخفيفة والمتوسطة (مدفع 23 مم، رشاشات عيار 14.5 مم، قذائف آر بي جي، قذائف صاروخية، بنادق رشاشة، قناصات)، وارتدوا أقنعة متماثلة مصنوعة من قماش مموه ليتمكنوا من التعرف على أنفسهم أثناء تنفيذ الهجوم.

بعد السيطرة على القرية؛ قام الإرهابيون بارتكاب مجزرتهم بحق السكان المدنيين الآمنين، معملين ذبحاً وقتلاً في أهاليها، دون تمييز بين طفل أو مسن أو مريض وهم نيام في أسرتهم، منكلين بجثث الضحايا بوحشية يندى لها الجبين، كما قام الإرهابيون بتشريد النساء والأطفال والشيوخ خارج القرية ورمي بعضهم في البحيرة، واختطاف البعض الآخر إلى جهة غير معلومة.

جاء هذا الهجوم بالتزامن مع المصالحة الوطنيّـــة التي تمت في بلدة جرجيسة في ريف حماة الجنوبي، والتي تركت ارتياحاً شعبياً لدى أهالي البلدة، انعكست أجواءه إيجابياً على القرى والبلدات المجاورة، مما ولد لدى المجموعات الإرهابيّة خشية وخوفاً من امتداد المصالحات إلى باقي القرى والبلدات في ريف حماة الجنوبي.

أسفر هذا الهجوم الإرهابي عن استشهاد سبعة مدنيين وجرح سبعة آخرين، في حين بلغ عدد المخطوفين مائة وثلاثون شخصاً، من أعمارٍ متنوعة، عُرف منهم واحد وستون شخصاً. تجدون مرفقاً قوائم بأسماء الشهداء والجرحى والمخطوفين.

إنَّ ارتكاب الجماعات الإرهابيّة المسلحة لهذه الجريمة الإرهابيّة يتسق مع سلسلة الاعتداءات والهجمات التي تستهدف العديد من المدن السوريّة، والتي تُنفذ بأوامر مباشرة من أنظمة الرياض وأنقرة والدوحة، بغرض تقويض الجهود الراميّة إلى حقن دماء الشعب السوري، وإفشال محادثات جنيف، وترتيبات التهدئة واتفاق وقف الأعمال القتاليّة في سوريا، وتأتي هذه

الخيرة المروعة في الوقت الذي رفض فيه ممثلو كل من الولايات المتحدة الأمريكية وفرنسا وبريطانيا وأوكرانيا في مجلس الأمن إدراج جيش الإسلام وحركة أحرار الشام، المشاركين في هذه الجرائم الإرهابية، على قوائم مجلس الأمن للجماعات والهيئات والكيانات الإرهابية، مما يعكس تشجيعاً لهذه التنظيمات على الاستمرار بأعمالها الإجرامية ضد المواطنين السوريين، ويوضح عدم جدية هذه الدول في مزاعم مكافحة الإرهاب وزيف ادعاءاتها بدعمها لوقف الأعمال القتالية في سوريا.

سأكون ممتناً فيما إذا تم إصدار هذه الرسالة كوثيقة رسمية من وثائق الدورة الثانية والثلاثين لمجلس حقوق الإنسان.

(التوقيع) السفير حسام الدين آلا
المندوب الدائم

ضميمة

الشهداء

الاسم	العمر
علي محمد القاسم، والدته فاطمة	مواليد 1962
حسن علي الراعي، والدته منتهى	مواليد 1947
اعتدال حسن الراعي	44 سنة
نوال حسن الراعي	46 سنة
ابراهيم سليمان الراعي، والدته شريفة	42 سنة
رنا صبرة	35 سنة
أحمد ياسين الشعبان	23 سنة

المخطوفون

الاسم	العمر
روزة حسن الراعي	40 سنة
فوزة حسن الراعي	42 سنة
بدرية حسن الراعي	38 سنة
علي سامر الراعي	3 سنوات
فاديا الراعي	
نايا سامي الراعي	5 سنوات
نور سامي الراعي	2 سنة
عليا محمد الراعي، والدتها ظريفة	90 سنة
شما محمد الراعي، والدتها ظريفة	70 سنة
محمود محمد الراعي، والدته ظريفة	90 سنة
سامر سليمان الراعي، والدته شريفة	29 سنة
هند علي الراعي، والدتها منتهى	47 سنة
حسين خضر الأسعد، والدته أديبة	36 سنة

الاسم	العمر
خضر محرز الراعي	80 سنة
يوسف حسين الراعي، والدته ريا	47 سنة
علاء يوسف الراعي، والدته روزة	25 سنة
مروة يوسف الراعي، والدتها حياة	22 سنة
مايا يوسف الراعي، والدتها حياة	13 سنة
فرح يوسف الراعي، والدتها حياة	5 سنوات
مرح يوسف الراعي، والدتها حياة	17 سنة
مرام يوسف الراعي، والدتها حياة	7 سنوات
فتاة رزق عمران	30 سنة
ظمياء دياب سليمان	40 سنة
سامية علي الراعي، والدتها منتهى	50 سنة
سهام علي الراعي	45 سنة
ماريا محمد الراعي، والدتها سلمى	28 سنة
روزة عيسى الراعي، ولداتها نايفة	46 سنة
حياة سليمان الراعي، والدتها شريفة	46 سنة
خضر محرم العلي، والدته فطوم	78 سنة
حسين علي الراعي، والدته منتهى	50 سنة
ظبية، زوجة حسين علي الراعي	
إلهام علي الراعي	43 سنة
منى خلوف	40 سنة
شمسة محمد الراعي	80 سنة
مرح حسين الراعي، والدتها ظبية	17 سنة
ثناء أحمد الشنتير، والدتها سليمة	35 سنة
جعفر أحمد الراعي، والدته ثناء	12 سنة
نوح أحمد الراعي، والدته ثناء	7 سنوات

الاسم	العمر
زهراء أحمد الراعي، والدته ثناء	6 سنوات
زينب أحمد الراعي	10 سنوات
منى زوجة أحمد الراعي	42 سنة
أريج حسين الراعي	25 سنة
ذو الفقار أحمد الراعي، والدته منى	11 سنة
يعقوب أحمد الراعي، والدته منى	9 سنوات
أثيبة أحمد الراعي، والدتها منى	17 سنة
آية أحمد الراعي، والدتها منى	14 سنة
براءة أحمد الراعي، والدتها منى	13 سنة
منتهى أحمد الراعي، والدتها منى	12 سنة
راميا محمد الراعي	30 سنة
زينة صبري، والدتها ركنية	39 سنة
غدير يوسف شعبان، والدتها زينة	
جوليا يوسف شعبان، والدتها زينة	13 سنة
غيث يوسف شعبان، والدتها زينة	12 سنة
ليث يوسف شعبان، والدتها زينة	9 سنوات
إبراهيم سليمان شعبان، والدته شمسة	69 سنة
شمسة شحود القاسم، والدتها عيدة	64 سنة
رسمية سليمان شعبان، والدتها شمسة	52 سنة
عزيزة حسن الراعي، والدتها نوال	20 سنة
أمينة قنطار	50 سنة
علي حسن الراعي	90 سنة
شموس محمد أسعد	81 سنة

الجرحى

الاسم	العمر
موسى شحادة العلي، والدته رسمية	مواليد عام 1977، حماة العلمين
عبدو عماد خليفة، والدته علية	مواليد عام 1980، الزارة
محمد علي الراعي، والدته منتهى	مواليد عام 1949، الزارة
إسماعيل علي القاسم، والدته رندة	مواليد عام 2000، الزارة
زينب علي القاسم، والدتها رندة	مواليد عام 1996، الزارة
خضر سعيد الأحمد	55 سنة.
محمد توفيق الصالح	

United Nations A/HRC/32/G/6

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Human Rights Council
Thirty-second session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 7 June 2016 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to bring to the attention of the Human Rights Council the group allurement and abduction of DPRK citizens by the south Korean authorities, which constitutes a clear human rights violation, and transmit herewith the statement issued by the spokesman for the Ministry of Foreign Affairs of the DPRK on 15 May 2016 in this regard (see annex).

I would be grateful if you could have the present letter and the annex thereto* circulated as a document of the thirty-second session of the Human Rights Council under agenda item 4.

(*Signed*) So Se Pyong

Ambassador, Permanent Representative

* Reproduced as received, in the language of submission only.

GE.16-10008(E)
1610008

Please recycle

Annex to the letter dated 7 June 2016 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Statement by the spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea

The spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea issued the following statement on 15 May 2016 as regards the unsettled case of the allurement and abduction of a group of the DPRK's citizens by the south Korean authorities.

As known, the south Korean authorities, engrossed with the smear campaign against the DPRK, let the gangsters of the Intelligence Service commit the heinous terrorist act of alluring and abducting the DPRK's women citizens in Ningbo, Zhejiang Province of China in broad daylight in early April to south Korea.

This is a violent infringement upon the dignity and sovereignty of the DPRK, unpardonable grave political provocation inciting confrontation and tension between the north and the south and unprecedented heinous crime mercilessly abusing the human rights of the DPRK's citizens.

As soon as the case occurred, the DPRK strongly demanded the south Korean authorities unconditionally send back the abductees of the DPRK without delay and take a practical measure at once for helping the parents of the abductees go to Seoul and meet their daughters face to face while bitterly denouncing the brutal act of the south Korean puppet forces.

Nevertheless, the south Korean authorities did not permit the elementary humanitarian demand of the parents but are talking about "voluntary defection from the north" while keeping the abductees in solitary cells and keeping them away from media.

Their inhumane behavior is the unethical crime denying even the most elementary rights stipulated in the Universal Declaration of Human Rights and relevant international conventions on human rights.

The reality fully proves that the south Korean authorities are the chief criminals of human rights abuses and group of traitors without an equal in the world as they are keeping the DPRK's citizens in custody against their will, far from responding to the DPRK's magnanimous steps of good faith for improving the north-south relations published at the historic Seventh Congress of the Workers' Party of Korea.

What matters is that the U.S. and the West are keeping mum about south Korea's institutional human rights abuses such as the heinous group allurement and abduction though they have groundlessly taken issue with other countries over their human rights whether they are true or false, while touting the "protection and promotion of human rights".

The families of the abductees sent the UN High Commissioner for Human Rights and the president of the United Nations Human Rights Council the letters of indicting the south Korean authorities for their criminal act and demanding an immediate step.

The UN and the international human rights organizations should bear in mind how they deal with this case will be a touchstone discerning the truth about "protection and promotion of human rights" touted by them, call into question the south Korean authorities' unethical crime and take a relevant step to send the abductees of the DPRK back to the folds of their family members as soon as possible.

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Agenda item 4
Human rights situations that require the Council's attention

Letter dated 10 June 2016 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I present my compliments to you and, with reference to my letter dated 7 June 2016 (A/HRC/32/G/6), have the honour to request you to have my letter addressed to you on 17 May 2016 (see annex) circulated as a document of the thirty-second session of the Human Rights Council under agenda item 4.*

(*Signed*) So Se Pyong

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

GE.16-10009(E)

1610009

Please recycle

Annex to the letter dated 10 June 2016 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council

17 May 2016

Excellency Mr. President of the Human Rights Council,

I present my compliments to you and have the honour of writing to you as regards the group allurement and abduction of DPRK citizens by the south Korean authorities, which constitutes a clear human rights violation that should in no way be passed over in silence.

As already known, the south Korean authorities, engrossed with the smear campaign against the DPRK, let the agents of NIS (National Intelligence Service) commit the heinous terrorist act of alluring and abducting the DPRK's women citizens in Ningbo, Zhejiang Province of China in broad daylight in early April to south Korea.

This is a violent infringement upon the dignity and sovereignty of the DPRK, unpardonable grave political provocation inciting confrontation and tension between the north and the south and unprecedented heinous crime mercilessly abusing the human rights of the DPRK's citizens.

As soon as the case occurred, the DPRK strongly demanded that the south Korean authorities unconditionally send back the abductees of the DPRK without delay and take a practical measure at once for helping the parents of the abductees go to Seoul and meet their daughters face to face while bitterly denouncing the brutal act of the south Korean authorities.

Nevertheless, the south Korean authorities did not permit the elementary humanitarian demand of the parents but are talking about "voluntary defection from the north" while keeping the abductees in solitary cells and keeping them away from media.

Their inhumane behavior is the unethical crime denying even the most elementary rights stipulated in the Universal Declaration of Human Rights and relevant international conventions on human rights.

In this regard, I would like to remind you of the letter addressed to you from the families of the twelve abductees, which has been attached with the Note Verbale of the DPRK Permanent Mission No. 0036 dated 22 April 2016.

Some time has passed since then, however it is very regrettable that your office has not taken any action concerning this case.

Whilst continued silence to such specific and unprecedented act of abduction by your office whose main mission is to promote and protect human rights worldwide, those twelve abductees incommunicado go on hunger strike ardently demanding their return to motherland and there is even some shocking news report that one of the twelve has fainted or died during hunger strike.

There is increasing suspicion over the behavior of south Korean authorities who have failed to release the conditions of the abductees recklessly keeping them incommunicado among several media and civil organizations of south Korea

including "MINBYUN" (Lawyers for a Democratic Society), who strongly demand the publication of truth about them.

Failure to take any action on such inhumane and large-scale human rights abuses may appear by itself of denying the UN Charter, Universal Declaration of Human Rights and international human rights instruments and giving misimpression as if approving abduction and granting impunity to abductors.

The HRC, bearing in mind how to deal with this case will be a touchstone discerning the truth about promotion and protection of human rights, should take relevant measure to send the abductees of the DPRK back to the folds of their family members as soon as possible.

We will closely follow any step to be taken by your office and continue to seek further action as may be required.

Please accept, Excellency, the assurances of my highest consideration.

(Signed) So Se Pyong

Ambassador, Permanent Representative

United Nations A/HRC/32/G/8

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Human Rights Council
Thirty-second session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 13 June 2016 from the Permanent Representative of Georgia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to present the first quarterly report (January – March 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia (see annex).

In this context, I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the thirty-second session of the Human Rights Council under agenda item 4.

(Signed) Shalva Tsiskarashvili

Permanent Representative

* Reproduced as received, in the language of submission only.

GE.16-10238(E)

1610238

Please recycle

Annex to the letter dated 13 June 2016 from the Permanent Representative of Georgia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

First quarterly report (January - March 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia

For the year 2016, the Ministry of Foreign Affairs prepared the first Quarterly Report on the Human Rights Situation in the Occupied Regions of Georgia. The Report covers the period from January to March 2016 and it reflects human rights violations in the occupied territories of Georgia during this period.

The report is prepared by the Ministry of Foreign Affairs of Georgia in coordination with various governmental agencies of Georgia. The report is based on open sources of information and it aims to provide the international community with regular information on the human rights situation in Georgia's occupied territories in order to ensure its adequate reaction.

It should be emphasized that gross violations of human rights, including inhuman treatment, arbitrary detention, restriction of freedom of movement and mass infringement of property rights and the right to receive education in the native language continue to be reported from the occupied territories.

The present report pays attention and analyses new process of so called "passportisation" and the introduction of new discriminatory regulations for ethnic Georgian in the occupied territories that will further deteriorate the existing grave human rights conditions in Abkhazia and Tskhinvali region.

The existing grave human rights situation in the occupied regions of Georgia was proved once again by the act of murder of Mr Giga Otkhozoria, a resident of Gali district, committed on 19

May 2016 by so called "border guards" deployed along the occupation line. The murder was committed in the village of Khurcha, Zugdidi district, located in the territory controlled by the central government of Georgia. This criminal act demonstrates the highly alarming situation in the occupied region of Abkhazia and the full responsibility for it lies with the Russian Federation as with the power in effective control. The abovementioned criminal act clearly reaffirms the need of establishing international security mechanisms and of unhindered and continuous access of international human rights monitoring mechanisms in the occupied Abkhazia and Tskhinvali regions.

The Ministry of Foreign Affairs is concerned about the human rights situation in the occupied territories of Georgia and appeals to the international community to take immediate and adequate measures for eradication of grave violations of human rights and all forms of ethnic discriminations of individuals in Abkhazia and Tskhinvali region.

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I. Introduction

Aims of the report and methodology applied

1. In January 2015 the Ministry of Foreign Affairs of Georgia started preparation of quarterly reports aiming at assessing the human rights situation in the occupied regions of Georgia. The Ministry of Foreign Affairs of Georgia prepared four such reports in 2015. This is the first quarterly report of the Ministry of Foreign Affairs of Georgia for the year 2016 covering the period of January-March 2016. The Ministry of Foreign Affairs of Georgia will further continue the preparation of such reports on a quarterly basis. This reporting exercise aims to contribute to the provision of regular and updated information to the international community, to states as well as to international inter-governmental and non-governmental organizations, on the human rights situation in the occupied regions of Georgia.

2. As for the applied methodology, this reporting exercise consolidates and assesses existing information from various open sources, national and international, on violations of human rights in the occupied regions of Georgia. Due to limitations on its length, the report does not aim to collect contain information on all cases of violations of human rights in the occupied regions of Georgia; it aims to consolidate and assess only some of the most known examples of violations. The methodology applied does not provide for the conduct of fact-finding visits to the occupied regions of Georgia, nor to the conduct of interviews. Therefore the methodology applied does not enable this reporting exercise to collect and produce new data on the human rights situation in the occupied regions of Georgia.

Responsibility of the occupying power for human rights violation

3. The territories of two regions of Georgia – Abkhazia, Georgia and the Tskhinvali Region, Georgia are occupied by the Russian Federation. The occupation of regions of Georgia by the Russian Federation has been recognized by the international community. The Russian Federation as the occupying power, exercises effective control over Abkhazia, Georgia and the Tskhinvali Region, Georgia. These two regions still remaining under foreign military occupation, constitute above all dangerous "black holes" in verifying human rights violations and holding the violators accountable.

4. Recently the Council of Europe published its 13th Consolidated Report on the Conflict in Georgia describing inter alia human rights situation in the occupied territories of Georgia and covering the period between October 2015 and March 2016. Thus part of the Council of Europe's report fully covers the reporting period[1] of the present reporting exercise. It should be noted that the delegation of the secretariat of the Council of Europe carried out a fact-finding visit to Georgia on 29 February – 1 March 2016, however was not allowed to visit the occupied regions of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia.[2]

5. It should be emphasized that in the reporting period, namely on 21st January 2016, the European Parliament adopted the Resolution on the EU's priorities for the UNHRC sessions in2016. According to the adopted resolution, the European Parliament "remains concerned about lack of access by monitors to the occupied regions of Abkhazia and the

[1] January-March 2016.

[2] 2 Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf(2016) 14, paragraph 5.

Tskhinvali region/South Ossetia where human rights violations remain widespread."[3] According to the recently published report, "the ethnic Georgians still living in Abkhazia, are often subjected to restrictions on their freedom of movement, restrictions concerning receiving education in their native language, as well as forced passportisation."[4]

Occupation line and installation of barbed wire fences

6. The occupation line along the administrative boundary line (ABL) with Abkhazia and the Tskhinvali Region separates Georgia from its two occupied territories. Since January 2013 the Russian occupation forces intensified the process of the installation of razor wire and barbed wire fences and other artificial obstacles along the occupation lines in Abkhazia and the Tskhinvali Region. Currently, the total length of artificial barriers along the occupation line in Tskhinvali Region is nearly 51 km. Razor and barbed wire fences cover a stretch of more than 12 km in the Abkhazian region.

7. According to the Council of Europe, "the "borderisation" process continues to have a divisive impact on communities and restricts freedom of movement across the ABL. It also puts under continued strain the effective enjoyment of basic rights by the ethnic Georgian residents of Gali, who face obstacles in access to livelihood and employment, appropriate medical care and education, as well as when collecting pensions and other social allowances."[5]

8. It should be noted that during the reporting period, namely in March 2016, delegation of the Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe (PACE) visited the village of Khurvaleti, which is located along the occupation line with Tskhinvali Region and which is divided by razor wire fences. Ms Annette Groth, member of the delegation of the Committee on Migration, Refugees and Displaced Persons of the PACE publicly stated that the situation on the ground is more disturbing than expected.[6]

New Wave of so called "Laws"

9. In the reporting period, namely on 1st February 2016, Mr Khajimba signed so called "law on legal status of foreign citizens in Abkhazia"[7] and "law on entry and exit of Abkhazia"[8] both "entering into force" on 1st April 2016. One of the leaders of the Sokhumi

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[3] "European Parliament Resolution on the EU's priorities for the UNHRC sessions in 2016", the EuropeanParliament, 21 January 2016, paragraph 61, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0020+0+DOC+XML+V0//EN>

[4] Andras RACZ, Senior Research Fellow, The Finnish Institute of International Affairs, Finland, "The Frozen conflicts of the EU's Eastern neighborhood and their impact on the respect of human rights", 2016, page 21, available at <http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2016)578001>

[5] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf(2016)14, paragraph 38

[6] By the Assessment of the PACE members Situation at the Occupation Line is much more Complex than they were Informed, 21 March 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/371632-evrosabtcos-asambleis-tsevrebis-shefasebith-saokupacio-khazthan-imaze-rthuli-vithareba-dakhvdath-vidre-informacias-.flobdnen.html?ar=A>

[7] Raul Khajimba signed Law on "legal status of foreigners in Abkhazia", "Apsnypress", 1 February 2016, available at< http://apsnypress.info/news/raul-khadzhimba-podpisal-zakon-o-pravovom-polozhenii-inostrannykh-grazhdan-v-respublike-abkhaziya/>

[8] President signed Law on "on entry and exit of Abkhazia", "Apsnypress", 1 February 2016, available

occupation regime declared that the adopted regulations aim to strengthen "border" and "migration" control due to the large number of "foreign citizens" residing in Abkhazia without control."

10. In fact, so called "law on legal status of foreign citizens in Abkhazia" aims to qualify ethnic Georgians, living in the region of Abkhazia, into a category of "foreign citizens" and to discriminate against them in many ways. More specifically, "foreign citizen" is subject to different types of permits that would restrict enjoyment of human rights. For that purpose, so called "law" prescribes quite detailed and strict regulations. According to so called "law", the following categories of permits shall be issued to "foreign citizens": 1) entry permit; 2) temporary residence permit; 3) residence permit; and 4) work permit. Temporary residence permit can be obtained maximum for four years. Temporary residence is a necessary prerequisite for getting residence permit. There is a long list of requirements for different categories of foreigners for obtaining temporary residence. For example, in order to obtain temporary residence permit, an applicant will be required to submit medical certificate attesting absence of drug addiction, infectious diseases and HIV infection. Residence permit can be obtained maximum for five years. Two categories of foreigners are entitled to residence permit. The first category comprises foreign citizens married to "Abkhaz citizens". However, this category of foreigners at first must apply for temporary residence and only after an expiry of one year of temporary residence they can apply for residence permit. The second category comprises people without citizenship, born in the region of Abkhazia when it was part of the Soviet Union and permanently living there for at least ten years since April 1999. Before applying for residence permit, the second category of foreigners should live in the occupied Abkhazia for at least one year on the basis of temporary residence. All four categories of permits - entry permit, temporary residence permit, residence permit and work permit, will not be issued to an applicant which 1) is or was "against the independence and the sovereignty of Abkhazia"; 2) "poses threat to security of Abkhazia"; 3) participated in war against Abkhazia in 1992-1993 or assisted to those who participated in it. There are some other restrictions.[10] Therefore, it can be concluded that ethnic Georgians qualified into the category of "foreign citizens" will be subject to discrimination in terms of enjoyment of human rights such as freedom of movement, the right to property, labour rights etc. It should be underlined that the restriction on applying for residence permit concerns people without citizenship. Therefore, ethnic Georgians holding the Georgian citizenship will not be even able to apply for residence permits. It should be emphasized here that the restriction clause on all four categories of permits is very broad and vague since it contains such wording as "against independence" or "assisted to those who participated in war", etc.

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at<http://apsnypress.info/news/prezident-podpisal-zakon-o-poryadke-vyezda-iz-respubliki-abkhaziya-i-vezda-v- respubliku-abkhaziya/>

[9] Nationals of States recognized Abkhazia can enter it without visa from 1 April, "Tass", 11 February, 2016, available at <http://tass.ru/mezhdunarodnaya-panorama/2659087 >; Abkhazian visa: for and against, "Sputnik- Abkhazia", 19 February, available at <http://sputnik-abkhazia.ru/analytics/20160219/1017260879.html >; Abkhazia imposes visa Regime for Countries refusing to recognize its independence, 15 February 2016, available at<http://www.messenger.com.ge/issues/3564_february_15_2016/3564_tatia.html >; Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 8 February and 13 February 2016, p. 15.

[10] Foreigners with HIV Infection and Drug Addictions were banned to live in Abkhazia, "Apsny", 2 February 2016, available at <http://apsny.ru/news/?ID=20187&PAGEN_1=20>

11. According to the Council of Europe, "there appears to be considerable lack of clarity regarding the rights and protection afforded by the new de facto law to the holders of the new documents. It is unclear, for example, if and how the holders of residence permits, including the ethnic Georgians who opt for them, can buy and/or register property and land. Pending further clarifications, however, the concerned population is likely to remain in a state of limbo and vulnerability."[11] One of the leaders of the Sokhumi occupation regime admitted that "law indeed does not guarantee property rights for holders of residence permits".[12]

12. It has been stated by the representatives of the Sokhumi occupation regime that most ethnic Georgians living in Abkhazia, predominantly in Gali district, hold Georgian citizenship that qualifies them into the category of foreigners under the so called "law on legal status of foreign citizens in Abkhazia" and therefore puts limitation on their human rights including on the right to property.[13] In the reporting period, the process of population census in Gali district was underway, the process that is linked to the issuance of so called new "residence permits" to Gali residents which will entail limitations on their right to property.[14]

13. Similar document was adopted by the Tskhinvali occupation regime, namely so called "law on legal status of foreigners in the Republic of South Ossetia". According to the Council of Europe, "new regulations entered into force on 1 March raising serious questions on the already peripheral status and rights of the ethnic Georgian population of Akhalgori. Some major concerns are related to the potential negative impact for those considered as foreigners on property rights, freedom of movement, labour and voting rights while it remains unclear how its provisions will impact the right to education."[15]

14. By the adoption of so called "law on entry and exit of Abkhazia", the decision has been made to introduce visas for states a) not recognizing so called "independence of Abkhazia" and b) not having a "bilateral agreement" of visa free travel.[16] According to so called "law on entry and exit of Abkhazia", only citizens of the Russian Federation, "Republic of South Ossetia", Republic of Nicaragua and Tuvalu can enter Abkhazia without visas. Under adopted regulations entering into force on 1st April 2016, any person can exit Abkhazia, however only so called "citizens of Abkhazia" can enter Abkhazia without additional formalities. In addition, a foreigner holding a residence permit can enter occupied Abkhazia without any additional document and he she does not require visa. It should be noted that a foreign citizen or a person without citizenship can be expelled from the territory of occupied Abkhazia if that person poses a threat to defense and security or to public order. It

[11] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf (2016) 14, paragraph 46.

[12] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf(2016) 14, paragraph 46.

[13] Breakaway Abkhaz Government to Introduce New Passports, 8 February 2016, available at<http://georgiatoday.ge/news/2900/Breakaway-Abkhaz-Government-to-Introduce-New-Passports>

[14] Hundreds of travelers from Gali to Zugdidi cannot go back, "Livepress", 18 February 2016, available at <http://www.livepress.ge/ap/tag/article/1-news/13742-galidanzugdidshichamosuliasobithmgzavrukanverbrundebaideo.html>; Breakaway Abkhaz Government to Introduce New Passports, 8 February 2016, available at <http://georgiatoday.ge/news/2900/Breakaway-Abkhaz-Government-to-Introduce-New-Passports>

[15] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf (2016) 14, paragraph 61.

[16] Abkhazia Introduces Visas for all States not recognizing its Independence, 12 February 2016, available at<http://apsny.ru/news/?ID=20352&PAGEN_1=15>

should be emphasized that so called "law on entry and exit of Abkhazia" when operational, will create additional obstacles to representatives of international organizations leading to further isolation of the region.

15. Proceedings from the above it can be concluded that adoption of so called "laws" in many ways target the ethnic Georgian population living in the occupied territories. In occupied Abkhazia ethnic Georgians will be labeled "foreign citizens" and four types of permits will restrict their daily life activities. Ethnic Georgians holding Georgians citizens will be deprived possibility to obtain residence permits and restriction clause on all four categories of permits might be used to persecute ethnic Georgian families. Restrictions of the freedom of movement of ethnic Georgians living in occupied Abkhazia will become even stringent since ethnic Georgians not holding so called "Abkhaz citizenship" might be refused to cross the occupation line. These regulations will further deteriorate the existing grave situation: new restrictions will be imposed on the freedom of movement, the right to property and labour rights. The Ministry of Foreign Affairs of Georgia expresses its serious concern on the adoption of new discriminatory regulations for ethnic Georgians living in the occupied regions of Georgia. There is threat that this so called "laws" can become ground for another wave of ethnic cleansing.

New wave of so called "Passportisation"

16. The adoption of the above-mentioned so called "laws" by the occupation regimes of Sokhumi and Tskhinvali is directly linked to the new illegal wave of "passportization" in the occupied territories.

17. As for the Abkhazian region, during the reporting period a process of so called "passportisation" was underway in the occupied Abkhazia. The above process implies procession of 300 thousand new documents - 250 thousand so called "passports" and 50 thousand so called "residence permits". All 300 000 documents were processed in the Russian Federation by "Goznak"[17] and their distribution is planned by May 2016. It has been stated that those residents of Abkhazia that are not citizens of Georgia, will be eligible to obtain so called "Abkhazian passports". It should be recalled here that in 2014, so called "parliament" of the Sokhumi occupation regime adopted so called "decree" by which it annulled so called "Abkhaz passports" of around 25 000 ethnic Georgians living in Abkhazia, predominantly in Gali district.[18] The Sokhumi occupation regime "continued suspending the issuance of "passports" to residents of the Gali district, citing the need to investigate improper passport issuances to residents who possess Georgian citizenship."[19] It has been argued that "UNHCR reported a widening documentation gap, noting that fewer Gali residents held valid documents due to expiration and nonissuance of documentation recognized" by the Sokhumi occupation regime.[20] The purpose of so called "passportisation" is to classify the population into categories of "citizens of Abkhazia" and "foreign citizens". Nowadays it has become evident that "Abkhaz passports" of 25 000

[17] The Issue of Passportization is almost Over, "Apsnypress", 5 February 2016, available at <http://www.apsnypress.info/news/adzynba-vopros-pasportizatsii-prakticheski-zavershen/>

[18] The Realm of the Possible - Finding ways forward in the Georgian-Abkhaz context: People in the Gal-I region, Conciliation Resources, July 2015, pages 4 and 5. Available at <http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_webLn.pdf>

[19] Georgia 2015 Human Rights Report, U.S. Department of State, published in 2016. Available at<http://www.state.gov/documents/organization/253061.pdf>, page 27.

[20] Georgia 2015 Human Rights Report, U.S. Department of State, published in 2016. Available at<http://www.state.gov/documents/organization/253061.pdf>, page 27.

ethnic Georgians were cancelled in order to give to ethnic Georgians the status of "foreign citizens" that implies lots of restrictions on their human rights.

18. As for occupied Tskhinvali region, it should be noted that in June 2015, the Tskhinvali occupation regime began accepting applications for so called "South Ossetian passports," which required individuals renounce their Georgian citizenship.[7] Ethnic Georgians in the occupied Tskhinvali Region were forced to accept so called "South Ossetian passports" and "South Ossetian Citizenship".[8]

19. Undoubtedly, this so called "passportisation" in the occupied Abkhazia and the Tskhinvali region may result in a situation where individuals, not eligible to so called new "passports" or so called new "residence permits", face more complications regarding the right to property and the freedom of movement across the occupation line. Ethnic Georgians residing in the occupied region of Abkhazia and Tskhinvali have all grounds to be concerned about such perspective; status of a "foreigner" can at least restrict their right to property and deteriorate prospects of movement across the occupation line and, in the worst case, become ground for another wave of ethnic cleansing.

II. Freedom from torture and ill-treatment

20. The practice of torture and ill-treatment in the occupied regions of Georgia remains an issue of concern that has been attested by the various sources made available in the reporting period. For example, recently published U.S. Department of State's Country Reports on Human Rights Practices for 2015 states that: "Individuals detained in Russian-occupied South Ossetia who later returned to undisputed Georgian territory reported incidents of mistreatment and abuse in Ossetian detention centers. Mistreatment included inflicting cigarette burns and beatings."[9]

21. According to the information disseminated on 12th January 2016, detainees in pre-trial detention center of Sokhumi staged a protest against ill-treatment. According to the source, detention conditions are poor in pre-trial detention center of Sokhumi and human rights of detainees are violated by the administration of the establishment. Moreover, among detainees there are categories of people that require immediate medical assistance and psychiatric treatment however their special needs are neglected. According to the same source, employees of the establishment offend detainees and aggravate the existing tense situation.[10]

22. It is commendable that on 10th March 2016, 14 Georgian citizens illegally imprisoned in the Abkhazian region (8 people) and the Tskhinvali Region (6 people), were released and exchanged for 4 people from Tskhinvali region which were convicted on the territory controlled by the central authorities of Georgia. However, it should be noted that on 18th March 2016, one of the former prisoners released gave interview and spoke in detail about several years spent in the captivity in the Abkhazian region. According to him,

[7] Georgia 2015 Human Rights Report, U.S. Department of State, published in 2016. Available at http://www.state.gov/documents/organization/253061.pdf, page 27.
[8] Georgia 2015 Human Rights Report, U.S. Department of State, published in 2016. Available at http://www.state.gov/documents/organization/253061.pdf, page 32.
[9] Georgia 2015 Human Rights Report, U.S. Department of State, published in 2016. Available at http://www.state.gov/documents/organization/253061.pdf, page 32.
[10] Detainees in Pre-Trial Detention Center of Sokhumi staged a Protest, "Sputnik-Abkhazia", 12 January 2016. Available at http://sputnik-abkhazia.ru/Abkhazia/20160112/1016866357.html.

he was subject to regular and extreme torture and ill-treatment while imprisoned. He also spoke about torture and ill-treatment of other prisoners.[25]

23. On 20th March 2016, in the village of Meore Otobia, Gali district, the Russian FSB officers detained a woman with mental disorder. The woman had undergone medical treatment in psychiatric hospital before the detention took place. The villagers submitted certificate attesting detainee's mental disorder, however the Russian FSB officers refused to release her from the military base detention. The whole village has a feeling of the protest against her detention.[26] It should be emphasized that detention of a person with mental disorders in a detention centre without appropriate medical treatment of health problems of a detainee can easily amount to ill- treatment.[27]

III. Arbitrary detention

24. The Russian FSB officers regularly carry out arbitrary detention for so called "illegal border crossing" along the occupation lines with Abkhazia and Tskhinvali regions. In most cases detention is followed by fines and later release, however repeated "violations" may result in "criminal proceedings".[28] Detention period can last several days or several months, in some cases several years.

25. On 4th and 5th January 2016, a resident of the village of Bershueti, Gori district and a resident of Tbilisi were detained by the Russian FSB officers for so called "illegal border crossing".[29] On 4th January 2016, two residents of the village of Bershueti, Gori district were detained by eight Russian FSB officers when they were entering the local church for religious ritual. One of the detainees managed to escape the Russian FSB officers and one detainee was transported by the Russian FSB officers to the direction of Tskhinvali. According to the representative of Gori municipality, the church is located on the territory controlled by the central government of Georgia and detainees therefore had not crossed the occupation line; the church is a venue for various religious events for residents of the village of Bershueti.[30] It should be noted that the detainee, which was transported to Tskhinvali, was released only after one week of detention and as a result of payment of fine.[31]

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[25] Our Fingers were connected to electric Supply: Interview with Released Prisoners from Abkhazian Prison, "Ambebi", 18 March 2016. Available at http://gza.ambebi.ge/life/sazogadoeba/3166-qthithze-dens-gvierthebshi-en-da-iaershi-magdebda-skamianadq-interviu-afkhazethis-cikhidan-gathavisuflebul-patimrebthan.html

[26] Exclusive: Russian Occupants Detained a Woman with Mental Disorder in the Village of Meore Otobaia, "Timer", 20 March 2016, available at "http://www.timer.ge/rusma-okupantebma-sopel-meore-otobaiashi-psiqiurad- avadmkhopi-qali-daakaves/"

[27] For example, Factsheet: Detention and mental health, the European Court of Human Rights, 2016, available at "http://www.echr.coe.int/Documents/FS_Detention_mental_health_ENG.pdf"

[28] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf(2016)14, paragraph 60.

[29] On New Year Holiday Border Guards detelined two Violators of Border, "Sputnik-Ossetia", 11 January 2016, available at "http://sputnik-ossetia.ru/South_Ossetia/20160111.1118068.html"

[30] So called Border Guards Abducted one Resident from Village of Bershueti, 4 January 2016, available at http://www.interpressnews.ge/ge/konfliqtebi/361026-ets-mesazghvrebma-sofel-bershuethidan-ertht-piri-gatacec.html?ar=A

[31] Abducted by Occupants was Released, 13 January 2016, available at http://kvira.ge/%d1%83%9D%d1%83%99%d1%83%A3%d1%83%9E%d1%83%90%d1%83%98%d1%83%A2%d1%83%94%d1%83%91%d1%83%98%d1%83%A1-

26. On 18th January 2016, a resident of the village of Kere, located nearby of the occupation line with Tskhinvali region was detained by the Russian FSB officers for so called "illegal border crossing". According to residents of the village, the detained person went for hunting in the surroundings of the village, but he did not cross the occupation line.[12]

27. On 28th January 2016, a resident of the village of Zerti, Gori district was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region.[13]

28. On 8th and 9th March 2016, a resident of the village of Zardiantkari, Gori district and a resident of the village of Kirbali, Gori district were detained detained by the Russian FSB officers for so called "illegal border crossing".[14]

29. On 23rd March 2016, a resident of the town of Gori was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskinvali region.[15]

IV. Freedom of movement

30. Restrictions on freedom of movement remains issue of concern that has been attested by the various sources made available in the reporting period. For example, recently published report of the Amnesty International states "movement in and out of the breakaway territories Abkhazia and South Ossetia remained restricted".[16]

31. In the reporting period, decision was made to reduce the number of crossing points along the occupation line with Abkhazia. Namely, in January 2016, Mr Khajimba instructed to reduce the number of the operating crossing points along the occupation line with Abkhazia.[17] On 17th March 2016, decision was made to close two from six crossing points along the occupation line with Abkhazia: "Tagiloni" crossing point will be closed

[12] "ი ნ ფ ო რ მ ა ც ი ა ს ა ზ ღ ვ ა რ ტ ა ნ ე ც ს მ ე ს ა ზ ღ ვ რ ე ე ბ ი ს ა ქ ა რ ტ ვ ე ლ ო ს ო რ ი ო ქ ა ლ ა ქ ე დ ა ა კ ა ვ ე ს ი-2"
Militaries Detained a 23 Years old Man near the Village of Kere, 19 February 2016, available at http://kvira.ge/"ი ნ ფ ო რ მ ა ც ი ა ს ა ზ ღ ვ ა რ ტ ა ნ ე ც ს მ ე ს ა ზ ღ ვ რ ე ე ბ ი ს ა ქ ა რ ტ ვ ე ლ ო ს ო რ ი ო ქ ა ლ ა ქ ე დ ა ა კ ა ვ ე ს ი-"

[13] "ქ ა რ თ ვ ე ლ ი მ ო ქ ა ლ ა ქ ე ს ა ზ ღ ვ ა რ ტ ა ნ ე ც ს მ ე ს ა ზ ღ ვ რ ე ე ბ ი ს ა ქ ა რ ტ ვ ე ლ ო ს ო რ ი ო ქ ა ლ ა ქ ე დ ა ა კ ა ვ ე ს ი"
Georgian National Detained in South Ossetia for Border Crossing, "Sputnik-Ossetia", 28 January 2016, available at http://sputnik-ossetia.ru/South_Ossetia/20160128/1213087.html.

[14] Two Citizens of Georgia were detained by so called Border Guards, 11 March 2016, available at: http://medianews.ge/ge/etssamkhretosetismesazghvreebmasaqartvelosorimoqalaqedaakaves/122545.

[15] So called Border Guards Detained a Citizen of Georgia at the Occupation Line, 24 march 2016. Available at: http://medianews.ge/ge/saokupatsiosazghvartanetsmesazghvreebmasaqartvelosmoqalaqedaakaves/123435.

[16] Georgia 2015/2016, Amnesty International, available at https://www.amnesty.org/EN/COUNTRIES/EUROPE-AND-CENTRAL-ASIA/GEORGIA/REPORT-GEORGIA/.

[17] De Facto Government amended the Law on VAT, 26 January 2016, available at http://www.livepress.ge/ka/akhali-ambebi/article/13449-de-facto-mthavrobam-dghg-s-shesakheb-kanonshi-cvlilebebi-sheitana.html.

completely and "Lekukhona" crossing point will be closed for pedestrians only.[39] Closure of two crossing points will mean 20-25 kilometers additional travel for some villagers of Gali district in order to cross the occupation line.[40]

32. It is impossible to cross "Enguri" crossing point along the Abkhazian occupation line with Georgian passport. If you have a Georgian citizenship, there is a need to have special permit issued by so called "State Security Service of Abkhazia" in order to cross the occupation line.[41] It should be noted that individuals holding Russian Federation passports or so called "Abkhazian passports" can cross the occupation line along Abkhazia without a special permit.[41]

33. According to the Council of Europe, "in early 2016, local residents complained about restrictions on ABL-crossings related to attendance of funerals in Akhalgori. More generally, it appears that persisting unclear rules and instructions create a situation of arbitrariness, which negatively affects freedom of movement."[42]

34. On 17th February 2016, Mr Kestutis Jankauskas, Head of EUMM Georgia, spoke at the meeting of Subcommittee on Security and Defense of the European Parliament. According to Mr Kestutis Jankauskas, "Freedom of movement is a paramount issue, as many people (have to) cross for different reasons, and doing this became more difficult each year we remained there. Crossing people face military personnel each day, risk detention, and technology is increasingly used to screen people. Uncertainty for documents on the boundary line remains an issue, and also Abkhazia new de facto law on starting on 1 April on visas. South Ossetia has only one crossing point, and only people that chose to live there, and are given special permits, are crossing. These permits are still accepted, but there is uncertainty regarding how long they will be valid; all other people are severely limited. Abkhazia: people affected in Gali district mainly, but not everyone possess accepted documents, so who crosses risks to be stopped/rejected while who crosses in non-official crossing points can be detained or risk for the paths e.g. drowning in the river like a woman weeks ago. It is difficult to visit graveyards, especially on Easter when is traditional to do

[39] The Number of Crossing Points along the Georgian-Abkhazian Border will be Reduced, "Sputnik-Abkhazia", 17March 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20160317/1017555465.html>; The Number of Crossing Points along the Georgian-Abkhazian Border will be Reduced, 17 March 2016, available at<http://www.apsnypress.info/news/na-abkhazo-gruzinskoy-granitse-sokratitsya-kolichestvo-punktov-propuska/>

[40] Gali residents call on de facto Authorities not to abolish Crossing Points, "Livepress", 18 March 2016, available at <http://www.livepress.ge/ka/politika/article/14088-galelebimoutsodebendefaqtomthavrobasardaushvasgamshvebipunqtebisgauqmeba.html>

[41] It is impossible to cross the Enguri checkpoint with Georgian passport, "Front News", 15 February 2016, available at http://www.frontnews.ge/ge/news/95028-%E1%83%A8%E1%83%94%E1%83%A3%E1%83%AB%E1%83%9A%E1%83%94%E1%83%91%E1%83%98%E1%83%9A%E1%83%98%E1%83%96-%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%A3%E1%83%9A%E1%83%98-%E1%83%9E%E1%83%90%E1%83%A1%E1%83%9E%E1%83%9D%E1%83%A0

[41] Hundreds of travelers from Gali to Zugdidi cannot go back, "Livepress", 18 February 2016, available at <http://www.livepress.ge/ap/tag article/1-news/13742-galidanzugdidshichamosuliasobithmgzavriukanverbrundebaideo.html>

[42] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf(2016)14, paragraph 59.

so, hence laws preventing people to cross have great impact, and may prevent people to exercise their religious rights, vote or access their property."[43]

V. Right to property

35. Violations of the right to property occur systematically in the occupied regions of Georgia attested by the various sources made available in the reporting period. It should be noted that according to recently published U.S. Department of State's Country Reports on Human Rights Practices for 2015, in Abkhazia so called "legal system" prohibits property claims by ethnic Georgians who left Abkhazia before, during, or after the 1992-93 war, thereby depriving all IDPs of their property rights in Abkhazia. The Sokhumi occupation regime prevented IDPs living elsewhere in Georgia from reclaiming homes in Abkhazia, based on a so called "law" of 2008 that expropriated all "abandoned property" from the 1992-93 war. By so called "decree" of 2010, the Tskhinvali occupation regime invalidated all real estate documents issued by the Georgian government between 1991 and 2008 relating to property in the Akhalgori region. This so called "decree" also declared that all property in Akhalgori belongs to the Tskhinvali occupation regime until a "citizen's" right to that property is established in accordance with the so called "legislation", effectively stripping ethnic Georgians displaced in 2008 of their property rights in the region.[44]

36. In the reporting period, namely in March 2016, the Russian occupying forces started a road construction on the territory belonging to residents of the village of Jariasheni, Gori district. The village of Jariasheni is located on the territory adjacent to the occupied Tskhinvali Region. The road construction works were carried out by the Russian occupying forces in the gardens and the agricultural plots of land which are in private possession of 32 families of the villagers of Jariasheni. During the road construction fruit trees were demolished in the gardens of the villagers. The Russian occupying forces warned owners of the gardens and agricultural plots of land not to approach their land properties.[45] According to the Council of Europe, "as a result, the local households reportedly had their lands bisected or fully lost access to them. At the time of the delegation's visit, no compensation had been reportedly received by these families."[46]

37. On 26th February 2016, the Russian FSB officers on the occupation line stopped the bus travelling to the direction of Zugdidi, located on the territory controlled by the central government of Georgia. The Russian FSB officers identified 21 ethnic Georgian passengers

[43] Subcommittee on Security and Defense of the European Parliament, agenda item - "EU Monitoring Mission in Georgia: state of play and future perspectives Exchange of views with: - Kenneth Deane, Director of the EU Civilian Planning and Conduct Capability, EEAS - Kestutis Jankauskas, Head of Mission of EUMM Georgia - Natalie Sabanadze, Ambassador of Georgia to the EU," the European Parliament, 17 February 2016, available at <http://www.europarl.europa.eu/ep-live/en/committees/video?event=20160217-0900-COMMITTEE-SEDE>

[44] Georgia 2015 Human Rights Report, U.S. Department of State, published in 2016. Available at <http://www.state.gov/documents/organization/253061.pdf>, pages 19 and 28.

[45] Jariasheni, 18 March 2016, available at <http://tv.ge/ge/videos/view/160621/588.html>; Village of Jariasheni of <http://www.damoukidebloba.com/e/news/jariasheni_okupacia_ruseti>; What is happening in Jariasheni", 13March 2016, available at <http://kvira.ge/%e1%83%a0%e1%83%90-%e1%83%aa%e1%83%93%e1%83%94%e1%83%91%e1%83%90-%e1%83%aa%e1%83%90%e1%83%a0%e1%83%98%e1%83%90%e1%83%a8%e1%83%94%e1%83%9c%e1%83%a8%e1%83%98-%e1%83%a2%e1%83%a0%e1%83%90%e1%83%90%e1%83%9c/>

[46] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf(2016)14, paragraph 57.

of the bus and detained all of them in special detention centre. The Russian FSB officers seized from 21 ethnic Georgian passengers the agricultural products that were transported by them for sale in Zugdidi market. Moreover, the Russian FSB officers seized personal golden jewelry from one of the detained passenger and strictly warned that person not to disclose information on the above fact.[47]

38. It should be noted that during the reporting period information was disseminated in media on planned forceful eviction from their homes by occupation regime of ethnic Ossetians residing in the occupied Tskhinvali region nearby the occupation line for security grounds.[48] This information caused serious discontent of the local population.[49] People living in the occupied villages nearby the occupation line along the Tskhinvali region are worried that they will eventually face the eviction.[50]

39. According to the information disseminated in the beginning of March 2016, residents of the villages adjacent to the occupied Tskhinvali Region will require special permits issued by so called border guards of the occupation regime and allowing them to carry out agricultural works in their plots of land.[51]

40. According to the recently published report, "the limited access to justice also affects Russian victims of human rights violations. Since 2010 there have been cases where Abkhazian authorities have confiscated the homes of ethnic Russians (International Crisis Group, 2010: 13) who could not do much to retaliate due to the deficiencies (International Crisis Group, 2013: 9) in the legal system (MKRU, 2010). The same is true for those Russian citizens who lost their homes in the 1992-1993 war. Despite the huge number of claims, there is only very limited progress in terms of restitution (International Crisis Group, 2013: 9-10)."[52]

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[47] Russian Occupants detained 21 Georgians, "Newposts", 26 February, 2016, available at <http://www.newposts.ge/?l=G&id=100698-%E1%83%91%E1%83%99%E1%83%A3%E1%83%91%E1%83%90%E1%83%9C%E1%83%A2%E1%83%94%E1%83%98%20%E1%83%93%E1%83%90%E1%83%99%E1%83%90%E1%83%95%E1%83%94%E1%83%91%E1%83%90>

[48] Residents to be Evicted from Contact Line, Says s. Ossetia's Media, 16 February 2016, available at <http://georgiatoday.ge/news/2987/Residents-to-be-Evicted-from-Contact-Line%2C-Says-S.-Ossetia%E2%80%99s-Medi>

[49] Ossetians living at the Administrative Line can be Deported, 16 February 2016, available at <http://www.ambebi.ge/conflicts/155472-administraciul-sazghvarthan-mckhovrebi-osebi-shesadzloa-gaasakhlon.html>

[50] South Ossetians Now Need KGB Permit to Visit Friends, Family Near Georgian-Controlled Territory, 17 February 2017, available at <http://www.eurasianet.org/node/77371>

[51] Available at <http://kvira.ge/%E1%83%94-%E1%83%AC-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%AE%E1%83%A0%E1%83%94%E1%83%97-%E1%83%9D%E1%83%A1%E1%83%94%E1%83%97%E1%83%A8%E1%83%98-%E1%83%A1%E1%83%90%E1%83%96%E1%83%A6%E1%83%95/>

[52] Andras RACZ, Senior Research Fellow, The Finnish Institute of International Affairs, Finland, "The Frozen conflicts of the EU's Eastern neighborhood and their impact on the respect of human rights", 2016, page 21, available at <http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2016)578001>

VI. Right to education in the native language

41. In the Gali district there are 31 schools.[53] From 31 schools only 11 schools, all of which are in "lower zone" of Gali district, had the status of Georgian schools until the end of the academic year 2014-2015 and subjects were taught in the Georgian language.[54] However, from the beginning of September of the academic year 2015-2016, drastic changes were made in the curriculum of these 11 schools in "lower zone" of Gali district, namely at present all subjects are taught in the Russian language in the first four grade classes i.e. in first grade, second grade, third grade and fourth grade classes.[55] According to the observation of the Council of Europe, "Abkhaz media have reported that the full transition to Russian language of remaining grades is planned to be implemented in the course of the next two or three years."[56]

42. There are cases when so called "governmental officials", sometimes armed, enter these schools in Gali district in order to double check whether the language of instruction is Russian or Georgian; bags of schoolchildren are forcefully checked to avoid the Georgian language materials in schools.[57] It is alarming that in the reporting period eight school teachers and one school director were dismissed from these 11 schools in "lower zone" of Gali district for the reason of making references to Georgia in positive context.[58] Cases of intimidation of school teachers for dissenting political opinions and speaking the Georgian language with pupils are common.[59]

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[53] By the end of the academic year 2014-2015 there were 4, 459 pupils and 918 employees in these 31 schools; from4, 459 pupils, 97.57 per cent, were ethnically Georgian and from 918 employees, 91.78 per cent were ethnically Georgian. See Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 27 July and 2 August 2015.

[54] The Realm of the Possible - Finding ways forward in the Georgian-Abkhaz context. People in the Gal I region, Conciliation Resources, July 2015, page 10. Available at < http://www.c-r.org/downloads/CR_The-Realm-of-the- possible_Gal-i_43_webEn.pdf >; Report of the Year 2014 of the Public Defender of Georgia on the Situation of Rights of the Population Affected by the Conflicts, 5 June 2015, page 26. Available at< http://www.ombudsman.ge/en/news/reports-on-the-human-rights-situation-of-conflict-affected-population-and- internally-displaced-persons-in-georgia page >

[55] The Russian curriculum means that the Russian textbooks, licensed by the Ministry of Education and Science of the Russian Federation and published in the Russian Federation, are used for the teaching. "A special Report of the Public Defender of Georgia – The Right to Education in Gali District: New Developments and Challenges of the Academic Year of 2015-2016", Public Defender of Georgia, October 2015, page 4 and 5. Available at< https://drive.google.com/file/d/0B9BM3M8hbgAUNFE3RndlaXc2dFU/view?pref=2&pli=1>. In these classes only few hours is allocated for learning the Georgian language as a foreign language.

[56] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG Inf (2016) 14, paragraph 50.

[57] 57 Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context, "Resonansi", 21 March 2016, available at< http://www.resonancedaily.com/index.php?id_rub=2&id_arte=28522>.

[58] Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context, "Resonansi", 21 March 2016, available at< http://www.resonancedaily.com/index.php?id_rub=2&id_arte=28522>.

[59] Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context, "Resonansi", 21 March 2016, available at< http://www.resonancedaily.com/index.php?id_rub=2&id_arte=28522>.

43. There are more and more cases of parents making decisions on termination of attendance by their schoolchildren of the schools with newly introduced Russian curriculum and transferring them to the schools located on the other side of the occupation line; there were [redacted] such cases during the academic year 2015-2016 so far.60 According to the Council of Europe, "the issue of access to education remains an acute problem also in relation to freedom of movement. It appears that over 50 pupils cross the ABL on a daily basis to attend school while detentions continue to occur. It was reported to the delegation that two detention cases involving four and three schoolchildren from the villages of Lower Gali took place on 27 January and 1 February respectively."[61]

44. According to the information disseminated on 16th February 2016, pupils of 11 schools in "lower zone" of Gali district have difficulties in learning subjects in the Russian language.[62] It is noteworthy that not all local teachers have corresponding command of the Russian language.[63]

VII. Conclusions

45. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of torture and ill treatment and examples provided for the reporting period constitute infringements on freedom from torture and ill-treatment and therefore are violations of Article 7 of the International Covenant on Civil and Political Rights (ICCPR); Article 5 of the Universal Declaration of Human Rights (UDHR); Article 3 of the European Convention on Human Rights (ECHR); and the OSCE commitments.[64]

46. It can be concluded that the situation described in the occupied regions of Georgia with regard to arbitrary detention and examples provided for the reporting period constitute arbitrary detention and therefore violations of Article 9 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 5 of the European Convention on Human Rights (ECHR); and relevant provisions of the OSCE commitments.[65]

47. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of movement and examples provided for the reporting period

[60] Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context, "Resonansi", 21 March 2016, available at <http://www.resonancedaily.com/index.php?id_rub=2&id_arte=28522>

[61] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf(2016)14, paragraph 55.

[62] Teacher: Curriculum in Abkhaz schools corresponds to Soviet Union Standards, 16 February 2016, available at <http://www.livepress.ge/ka/akhali-ambebi/article/13693-pedagogiafkhazethisskolebshisastsavloprogramasabtcothakavshirisstandartisidenturia.html>

[63] Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015 – March 2016), 2016, SG/Inf(2016)14, paragraph 51.

[64] The Vienna Concluding Document (1989) prohibits torture and other cruel, inhuman or degrading treatment or punishment. Paragraph 23.4; The Paris Document (1990) also prohibits torture and other cruel, inhuman or degrading treatment or punishment; the Istanbul Charter for European Security commits to "eradicating torture and other cruel, inhuman or degrading treatment or punishment throughout the OSCE area." Paragraph 21.

[65] The Vienna Concluding Document (1989) provides for ensuring that no one is subjected to arbitrary arrest, detention or exile. Paragraph 23.1; According to the Moscow Document (1991) "no one will be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law". Paragraph 23.1 (1).

constitute violations of the right to freedom of movement, namely of Article 12 of the International Covenant on Civil and Political Rights (ICCPR); Article 13 of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 4 of the European Convention on Human Rights (ECHR); and the OSCE freedom of movement commitments.[66]

48. It can be concluded that the situation described in the occupied regions of Georgia with regard to right to property and examples provided for the reporting period violate the right to property, namely Article 17 of the Universal Declaration of Human Rights (UDHR); Article 1, Protocol No. 1 of the European Convention on Human Rights (ECHR); and the OSCE commitments.[67]

49. It can be concluded that the situation described in the occupied regions of Georgia with regard to education in the native language[68] and examples provided for the reporting period constitute violations of the right to education in one's native language and therefore violations of Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 1 of the European Convention on Human Rights (ECHR); Article 28 (read in conjunction with paragraph 1 of Article 2) of the UN Convention on the Rights of the Child; and relevant provisions of the OSCE commitments.[69]

50. It can be concluded that the situation described in the occupied regions of Georgia, particularly adoption of so called "laws" and the process of "passportisation" violates prohibition of discrimination provisions of Article 14 and Protocol No. 12 of the European Convention on Human Rights (ECHR); Article 26 of the International Covenant on Civil and Political Rights (ICCPR); and International Convention on the Elimination of All Forms of Racial Discrimination.

51. It can be further concluded that the situation described in the occupied regions of Georgia violates the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region.[70]

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[66] According to paragraph 33 of the Moscow Document (1991), the OSCE participating States are obliged to remove all restrictions with regard to travel within the territory of a State and with regard to residence for those entitled to permanent residence within the territory of a State. And according to paragraph 20 of the Vienna Concluding Document (1989), the OSCE participating States are committed to secure the right of everyone to freedom of movement and residence within the borders of a State.

[67] The OSCE commitments impose obligation on states to ensure that everyone has the right to enjoy property and that no one may be deprived of property except under conditions provided for by law. Moscow Document (1991), paragraph 24; Copenhagen Document (1990), paragraph 9.6.

[68] The right to receive education in the native language is widely recognized under international law. Languages and the Realization of the Right to Education, UNESCO. For example, under the ECHR, the right to education implies the right to be educated in the national language. Belgian Linguistic Case, Judgment of 23 July 1968, para 3 (A 6 (1968), p.31). In Cyprus v. Turkey the Court stated that the abolishing the facility for Greek-Cypriot children in Northern Cyprus for pursuing a secondary education in the Greek language violated Article 2 of the ECHR. Judgment of 10 May 2001, paragraphs 273-280.

[69] According to paragraph 63 of the Vienna Document (1989), all shall have access to "the various types and levels of education without discrimination as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

[70] Resolution adopted by the General Assembly on 3 June 2015 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia.

VIII. Appeal to the international community

52. he Ministry of Foreign Affairs of Georgia appeals to the international community, states as well as international intergovernmental and non-governmental organizations:

- to continue recognizing extensively and widely the occupation of the territories of Georgia by the Russian Federation.
- to continue calling on the Russian Federation to bear responsibility for human rights violations on the occupied regions of Georgia.
- to continue calling on the Russian Federation to stop placing and remove barbed wire fences and other artificial obstacles and banners along the occupation line.
- to take additional measures in order to monitor and report on the human rights situation in the occupied regions of Georgia, more specifically, the Ministry of Foreign Affairs of Georgia appeals to:
  - i) the Office of the United Nations High Commissioner for Human Rights (OHCHR) to take additional measures in order to regularly address and assess the human rights situation in Abkhazia and Tskhinvali region of Georgia.

    ii) the UN Human Rights Council's Special Procedure Mandate holders to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia.

    iii) the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia.

    iv) the OSCE and its autonomous institutions, namely the Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the High Commissioner on National Minorities (HCNM) to find ways for monitoring the human rights situation in Georgia's occupied regions. Such steps could, inter alia, include undertaking a follow-up mission to the occupied regions of Georgia and preparing a report on the status of the implementation of the recommendations contained in the ODIHR/HCNM 2008 Report on "Human Rights in the War Affected Areas following the Conflict in Georgia".
- to continue calling on the Russian Federation to allow a) access of the international human rights monitoring mechanisms to the occupied regions of Georgia; b) access of the relevant missions of international organizations (e.g. EUMM), including humanitarian organizations, to the occupied regions of Georgia through legal routes.
- to continue and intensify condemning violations of human rights such as freedom of movement; freedom from torture and ill-treatment; the right to liberty; the right to property and the right to receive education in the native language in the occupied regions of Georgia.

A/RES/69/286, paragraph 1. See also previous resolutions 68/274 of 5 June 2014, 67/268 of 13 June 2013, 66/283 of 3 July 2012, 65/287 of 29 June 2011 etc.

United Nations A/HRC/32/G/9

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Human Rights Council
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Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Note verbale dated 18 June 2016 from the Permanent Mission of Myanmar to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to attach hereto the preliminary response of Myanmar regarding the report of the High Commissioner on the "situation of human rights of Rohingya Muslims and other minorities in Myanmar" (A/HRC/32/18) submitted to the Human Right Council at its thirty-second session (see annex).

In this context, the Permanent Mission has the honour to request that the present note verbale and the annex thereto* kindly be circulated as a document of the thirty-second session of the Human Rights Council under agenda item 2.

* Circulated as received, in the language of submission only.

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Please recycle

Annex to the note verbale dated 18 June 2016 from the Permanent Mission of Myanmar to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Preliminary response by Myanmar to the draft report of the High Commissioner for Human Rights on the "Situation of human rights of Rohingya Muslims and other minorities in Myanmar" to the 32nd session of the Human Rights Council

1. The report of the High Commissioner is focused primarily on the Muslim Community in Rakhine State. It contains less information on other minorities.

2. Accordingly, efforts by the new government to address the situation in Rakhine State are provided hereunder:

3. In general, some of the elements in the report are similar to those contained in the report entitled "Situation of human rights in Myanmar" by the Special Rapporteur on the situation of human rights in Myanmar. Therefore, in our view, duplication of this nature should have been avoided, taking into account the precious time and resources of UN Member States.

4. Since the new government took state responsibilities on 30 March 2016, it has been addressing the situation in Rakhine State, as one of the highest priorities on its agenda.

5. As development is fundamental for sustainable peace and stability in Rakhine State, the Government formed the Central Committee on the Implementation of Peace, Stability and Development of Rakhine State on 30 May 2016, with the State Counsellor Daw Aung San Suu Kyi as its Chairperson. The Central Committee is tasked to bring peace, stability and development to all people in Rakhine State.

6. The four working committees were also formed on the same day to ensure successful implementation of the objectives of the Central Committee. These are: 1) the Security, Peace and Stability and the Rule of Law Working Committee; 2) the Immigration and Citizenship Scrutinizing Working Committee; 3) the Settlement and Socio-economic Development Working Committee; 4) the Working Committee on Cooperation with UN Agencies and International Organizations.

7. On 2 June, the Vice-Chairman of the Central Committee and Union Minister for Border Affairs, Lt-Gen Ye Aung, accompanied by several Union Ministers, the Rakhine State Chief Minister and other responsible officials, visited Kyaukpyu and Thandwe Townships. On his tour to Kyaukpyu Township, the Vice-Chairman met with regional officials and the local populace and stressed that development of Rakhine State is the key to peace and stability and development of the entire nation. He also highlighted that there is a need to be cautious about external instigation and disturbances in the region. Thereafter, they visited IDP camps in Kanyintaw and Kyauktalon and discussed with officials and local people the work of the subcommittees to ensure peace, stability and development in Rakhine State.

8. The Union Ministers for Border Affairs; State Counsellor's Office; Education; Health; Social Welfare, Relief and Resettlement; and Labour, Immigration and Population also met and explained to the local people their respective missions on contributing to the overall development of Rakhine State.

9. Citizenship verification is central to addressing the issue in Rakhine State. Therefore, a verification process, commencing with the issuance of Identity Cards for National Verification (NVC) has been launched in Kyaukpyu, Myaepon and Ponnakyun since 7 June 2016. This process is conducted within the framework of the 1982 Citizenship Law. For clarity's sake, we would like to stress that the process is not limited to Rakhine State alone. The same process is also being undertaken or will be undertaken in other regions and states which share common borders with our neighbouring countries.

10. The Government of Myanmar is doing its utmost to find a tangible and durable solution to the issue in Rakhine State, while taking into consideration the concerns expressed by local people and the international community.

11. Since the issue at hand is of a sensitive nature, the government is tackling it carefully. Peace and stability is of paramount importance to the overall development of Rakhine State and to all people who reside there. The use of certain nomenclatures would amount to adding fuel to the fire. It would only heighten the tension and widen the rift between the two communities, thereby detailing the government's good intentions and constructive endeavours.

12. The situation in Rakhine State is complex. Therefore, the new government is taking swift and firm actions to ameliorate it. These actions will begin to bear fruit in due course. However, Myanmar needs more time to find durable solutions in this regard.

13. The resolution entitled "Situation of human rights of Rohingya Muslims and other minorities in Myanmar" in no way help find a durable solution to Rakhine situation. Therefore, the international community, other than tabling such a resolution, should pragmatically and constructively engage Myanmar, with genuine understanding, together with the provision of humanitarian and development assistance.

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Agenda item 4
Human rights situations that require the Council's attention

Note verbale dated 16 June 2016 from the Permanent Mission of Eritrea to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the State of Eritrea to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide herewith the preliminary response of the State of Eritrea, issued on 8 June 2016, to the report of the commission of inquiry on human rights in Eritrea (A/HRC/32/47).

The Permanent Mission of the State of Eritrea kindly requests the Office of the High Commissioner to circulate the present note verbale and the annex thereto* as a document of the thirty-second session of the Human Rights Council under agenda item 4.

* Circulated as received, in the language of submission only.

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Please recycle

Annex to the note verbale dated 16 June 2016 from the Permanent Mission of Eritrea to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Preliminary response of the Government of Eritrea to the Report of the Commission of Inquiry

A three-person panel, called the "Commission of Inquiry" (COI), is campaigning to take yet another African country, this time Eritrea, to the International Criminal Court.

The COI claims that it "has reasonable grounds to believe that crimes against humanity have been committed in Eritrea since 1991." Yet it has no solid evidence or firm legal basis to support its extreme and unfounded charges.

The report of the COI fails to meet the principles of impartiality, objectivity and non-selectivity as laid out in the guidelines of the United Nations. It also lacks the minimum standards of rigor and professionalism.

The methodology the COI followed in its work is so deeply followed as to seriously compromise its findings and render its conclusions null and void.

First, the COI has been entirely one-sided. It was only interested in one side of the story and only talked to people who agreed with its predetermined conclusions. It bases its sweeping and extreme allegations on the testimony of 500 refugees and asylum-seekers with unknown identity, while disregarding the testimonies of 42,000 Diaspora Eritreans living in over 20 countries who contested its well-known biases. It also ignored the request of 856 Eritreans who asked to appear in person in Geneva to present their testimonies after promising that it would give them a hearing.

Secondly, the COI's standards of evaluating the solidity of the information it received and the "evidence" it was provided with has been woefully inadequate. This has led it to make patently false and easily disprovable serious charges against Eritrea. To cite just one example, the COI has charged that Eritreans live in fear and are unable to voice their opinions, while journalists who visited the country have reported that they are able to speak freely and on camera with people in Eritrea. Consequently, almost all the evidence that the COI claims underpin its accusations against Eritrea do not stand the minimum standards of proof.

Thirdly, the COI lacks all balance as it stubbornly refuses to acknowledge and meaningfully incorporate in its report Eritrea's achievements in the protection and consolidation of human rights as well as any positive developments in the country. To begin with, the COI completely ignores the assessment of the status of social, economic, cultural rights in Eritrea. This is in contravention of the United Nations Declaration of Human Rights, which accords equal importance to all rights. It also makes the Commission's report one-sided, biased and incomplete. It is not difficult to gather that the COI decided to ignore a whole category of human rights precisely because Eritrea's record is impressive and reporting on them would not tally with the picture the COI wants to paint.

The COI has likewise ignored Eritrea's significant achievements in political and civic rights. These include:

- The renewed commitment to and strong measures taken to consolidate the rights of citizens in general, and of women, children and the disabled in particular.
- The efforts to strengthen the judicial system by the promulgation of new, improved laws and efforts to build institutional capacity from the community courts and up

- Ongoing efforts to address the needs and meet the aspirations of young people, to empower them and to provide adequate opportunities for them.
- The setting up of a commission to undertake the process of drafting and ratifying the country's constitution.
- The serious engagement with the UPR process and its acceptance of 92 recommendations, which it is already implementing.
- The cooperation with the UN and the Office of the High Commissioner for Human Rights to consolidate human rights in Eritrea.

Fourthly, the COI ignores fundamental realities which have a profound bearing on the state of the country, including what is effectively a continuing state of war with Ethiopia, the illegal occupation of Eritrean territory which constitutes a flagrant violation of human rights, repeated armed aggression, sanctions and mistaken policies that consider almost all Eritreans asylum-seekers.

Fifth, the COI has repeatedly and routinely overstepped and abused its mandate. It has lobbied countries not to engage with Eritrea even on matters that promote human rights. Its claim that the "human rights situation in Eritrea constitutes a threat to international peace and security" is also way beyond its mediate and its competence. It also reveals it's the extremely politicized nature of its conduct, which has lacked the rudiments of independence, impartiality and professionalism.

Sixth, and most importantly, the COI's against Eritrea is legally indefensible. Although it repeats its accusation without end, the COI fails to prove that the "crimes" it alleges were committed were indeed "persistent, widespread and systematic manner." Its failure to prove the systemic nature of alleged crimes means the preposterous charge of "crimes against humanity" is untenable and no more than a political accusation, which it actually is.

Let's now proceed to consider the specific accusations of the COI.

Crimes since 1991

The COI's incredible, and really laughable, claim that "crimes against humanity" were committed in Eritrea since 1991 reveals its unabashed political stance and is symptomatic of the entire report. Eritrea's hard-won and universally acclaimed independence in 1991 came after three decades of popular struggle for freedom and human rights. Two years later, in a referendum observed by the United Nations and many countries and organisations, and which they described as a national festival, 99.8% of Eritreans, inside and outside the country voted freely for independence. The following years saw impressive progress in all areas-political, economic, social and cultural, including the drafting and ratification of a national constitution in a widely consultative popular process.

The COI denies this well-known and undisputed history and makes the outlandish claim that Eritrean "officials have engaged in a persistent, widespread and systematic attack against the civilian population of Eritrea since May 1991." It goes on to say that these officials "have relied extensively on the commission of crimes to establish and consolidate total control over the Eritrean population."

This accusation, which forms the crucial rational, for the charge of "crimes against humanity flies in the face of the reality already described. There was no need to resort to force to establish control, as the population was fully supportive-indeed the backbone- of the liberation movement and there is no shred of evidence for a persistent, widespread and systematic attack against the civilian population."- the same movement that paid so much sacrifice to defend and protect the population. Twenty-five years on this same population

vividly demonstrated strong support for the independence of the country and the government during the Silver Jubilee Independence celebrations.

Enslavement

The COI goes on to claim that crime of "Enslavement has been committed on an ongoing, widespread, and systematic basis since 2002." What the COI calls enslavement is national service and even though it does not explain the cut-off date of 2002, we can only assume that date refers to the decision on the boundary between Eritrea and Ethiopia by an international tribunal, which was set up following the 1998-2000 war between the two countries.

The COI would have been justified in its view if both belligerents had accepted the boundary decision, normalized their relation and brought the state of war between them to an end. But Ethiopia has yet to accept the ruling, it continues to illegally occupy sovereign Eritrean territory, has launched repeated military attacks and as late as August 2015, its Prime Minister, speaking to Parliament announced plans to launch a full-scale war against Eritrea. In effect, the state of war between the two countries remains, whatever the blinkered "view of the COI" is. COI's accusation is contrary to facts and is without firm legal basis.

As to national service, the COI realizes it is on shaky grounds and tries to hedge its arguments. It lamely admits that compulsory national service is not necessarily a "human rights violation," but it then says that in Eritrea it is a crime against humanity because of the "apparent underlying purposes of the programs and the manner in which they are implemented." Specifically, the COI says the indefinite nature and the use of forced labor make national service an ongoing crime committed by Eritrea since 2002.

Here too, the COI has no legal basis for its charges and it ignores all contrary evidence and positive measures undertaken by the Eritrean government. The purposes of national service in Eritrea are clearly stated in a legal proclamation of 1994 and are three-fold: national defense, economic and social development and national integration. The service is not indefinite although for a time and in certain cases it has been prolonged due the already explained existential threat of war. Massive demobilization took place from 2001 to 2005 in partnership with the World Bank, three years after the cutoff date of 2002, after which according to the COI national service is enslavement. Even after 2005, thousands of national service members, including virtually all women members, have been demobilized.

The COI's charge of forced labor is also without foundation. National service as practiced in many countries does not preclude community service in civilian jobs. In Eritrea over 90% of national service members serve in civilian projects, mainly as teachers and health personnel. Since July 2015, when Eritrea introduced salary raises made possible by a much improved economic situation, they are also receiving attractive salary packages. To misconstrue this as forced labor and enslavement and to press charges of crimes against humanity on this basis is unconscionable and bereft of legality.

The COI claims that national service is the main cause of large migration of Eritreans. Although this is a widely propagated view, it is nonetheless widely off the mark. In fact, the majority of Eritrean migrants are not national service members. Most are demobilized young people as well as those to whom the service does not apply. Another salient fact is that the number of migrants is now declining as a result of the improving economic situation as well as a raft of measures taken by the government to provide more opportunities to the youth.

Apart from "enslavement" which is supposed to have started in 2002, the COI claims the rest of the alleged crimes have been ongoing since May 1991. Let's consider them one by one.

Imprisonment or other severe deprivation of physical liberty and enforced disappearances

The COI charges that "Eritrean officials have committed the crime of imprisonment, a crime against humanity, in a persistent, widespread and systematic manner." A similar charge is levelled on enforced disappearances. To state that there could have been abuses and to claim that this is persistent, widespread and systematic are two different things. While there is no evidence for the latter accusation, it is true that in Eritrea, as many other countries, there may be instances in which some people are wrongfully detained and imprisoned. A number of individuals who abused their position in this regard have been brought to justice and punished and Eritrea continues to make determined effort to prevent their recurrence.

Instead of this balanced assessment, the COI imprudently claims that Eritrea invokes treason and espionage when referring to detainees and states treasonous behavior include attempting to escape military service and trying to leave the country. Here the COI is merely exposing itself as it is now widely known that the Government of Eritrea in fact encourages those who have left the country illegally by providing them with services and assisting them to return or to visit the country. Tens of thousands of them actually participated in Eritrea's 25th anniversary and more are joining them in these festive times.

The COI also makes the extra-ordinary claim that "even those detainees convicted pursuant to judicial proceedings have been deprived of their liberty in violation of fundamental laws of international law." It also summarily dismisses the exemplary community courts, elected courts where at least one of three judges has to be a woman, and which adjudicate over 80% of the judicial cases. This is the COI's way of totally delegitimizing the judicial system in Eritrea.

In fact, Eritrea is working steadfastly to strengthen its judicial system. It has introduced new civil and criminal laws and is undertaking programs to upgrade the competence and professionalism of its judges and lawyers. Indeed, strengthening the judiciary and improving conditions of detention are two areas of active cooperation between Eritrea and the UN system, including the Office of the High Commissioner for Human Rights.

Torture

The COI claims that "the use of torture was, and remains, an integral part of the government's repression of the civilian population." Once again, it has no evidence to substantiate that this is persistent, widespread and systematic. In fact, torture is a crime by Eritrean law. The country has also signed the "International Convention Against Torture" in order to buttress its own laws. As part of its efforts to strengthen the administration of justice, Eritrea is currently working on awareness programs and upgrading the capacity and professionalism of its security people.

Other inhuman acts

Here the COI refers to "guilt by association" and third-party reprisals. This is really baseless as it contradicts not only Eritrea civil and penal codes which explicitly prohibit collective punishment, but more tellingly Eritrean political and civic culture. Eritrea must be one of a few countries where families of imprisoned officials continue to live in government issued houses and where spouses of these officials continue to serve in

sensitive government positions. The COI attempts to mix "guilt by association" with complicity in crime, which is a crime and punishable by law. In Eritrea, legal measures are indeed taken, if there is incontrovertible evidence of complicity.

Persecution

On the issue of persecution, the COI goes into mischief-making as it tries to concoct inexistent ethnic and religious persecution. Eritrea is widely acknowledged to be a model of ethnic and religious harmony. In a region racked by ethnic and religious strife as well as fundamentalism and terrorism, it has been able to maintain peace, stability, a remarkable level of inter-communal tolerance and unity and diversity. It is really stupefying that the COI has the impudence to claim that Eritrean officials "have committed the crime of persecution, a crime against humanity, in a widespread and systematic manner since May 1991." This is really beyond the pale.

Rape

The same can be said about the COI's claim that "rapes have been committed as part of a widespread or systematic attack against the Eritrean civilian population." It is an attack not so much against the government as an offensive disrespect to a cultured and civilized population. In Eritrea rape is very rare, repugnant to society and severely punished by law on those rare occasions when it happens. It is also widely known that Eritrea is a country where women walk the streets at any time of the day or night without fear of physical or sexual attacks. The rights and status that women enjoy in Eritrea is a product of the commitment of the government but more importantly the outcome of their unequaled role in the struggle for freedom and nation-building.

The COI alludes to HIV cases because of widespread rape. The fact is HIV cases in Eritrea have decreased from 6% in 1991 to 0.91 in 2015. The facts simply do not add up. Another accusation at variance with facts on the ground.

Murder

On murder, the COI makes the standard claim that "Eritrean officials have committed murder, a crime against humanity, in a systematic manner since May 1991" again without any proof for its allegation. It also tries half-heartedly to resurrect the discredited accusation of a shoot-to kill policy, with the caveat the "policy has been implemented less rigorously in recent years." In fact, there never has been a shoot-to kill policy and the COI has not been able to produce a single shred of evidence.

Accountability

The COI claims that "particular individuals, including at the highest levels of the State and the PFDJ, and commanding officers, bear responsibility for crimes against humanity." It then dismisses offhand the right of the exercise of national jurisdiction and claims that "there is no genuine prospect of the domestic judicial system holding perpetrators to account." The objective is obvious and sure enough the COI recommends that the UN Security Council refer Eritrea to the ICC.

The COI admits that it is not a judicial body. In other words, its accusations do not meet fundamental standards of accuracy, objectivity, neutrality and legality. For a three-person panel to overstep its mandate and to arrogate to itself draconian powers to sit in judgment over the human rights situation over a quarter of a century, to make the purely political determination that these situation "constitutes a threat to international peace and security," and then to ask the Security Council to refer the matter to the ICC is simply untenable and unheard of.

Conclusion

Eritrea rejects the politically motivated and groundless accusations and the destructive recommendations of the COI. It believes they are an unwarranted attack not only against Eritrea, but also Africa and developing nations. It calls on members of the Human Rights Council and all UN member states to uphold justice and fairness and to end a long train of injustices against the Eritrean people.

For its part, Eritrea, a nation born in the struggle for human rights, and for whom human rights, the whole gamut of them -political, civic, economic, social and cultural- remain the number one priority, will continue to work for the fundamental freedoms and dignity of its people. Eritrea and its people are confident of the justness of their cause and their determination and capacity to succeed.

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Human rights situations that require the Council's attention

Note verbale dated 21 June 2016 from the Permanent Mission of the Republic of Burundi to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Burundi to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to request it to circulate the Government's comments on the Office's report on the human rights situation in Burundi between April 2015 and April 2016 (see annex)*, as an official document of the thirty-second session of the Human Rights Council.

* Reproduced as received, in the language of submission only.

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Annexe à la note verbale datée du 21 juin 2016, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente du Burundi auprès de l'Office des Nations Unies et des autres organisations internationales à Genève

Réactions du Gouvernement sur le rapport annuel du Haut-Commissaire des Nations Unies aux droits de l'homme sur la situation des droits de l'homme au Burundi

1. Le Gouvernement du Burundi a lu avec attention le projet de rapport du Haut-Commissaire des Nations Unies aux droits de l'homme. Ce rapport qui est soumis en application à la résolution A/HRC/30/27 du Conseil des droits de l'homme, retrace, selon son appréciation, les violations des droits de l'homme telles que relatées par le Bureau du Haut-commissariat des Nations Unies pour les droits de l'homme au Burundi (BHCDH-B) sur une période d'une année, entre avril 2015 et avril 2016. Comme il est stipulé dans son introduction, « les informations sur lesquelles repose ce rapport ont été recueillies par les équipes du BHCDH-B basées à Bujumbura, Bujumbura rural, Gitega, Makamba et Ngozi » autrement dit, dans 5 sur 18 provinces du Burundi. Également, il dit prendre pour sources des « informations confidentielles avec des victimes et témoins de violations et d'abus des droits de l'homme et recoupées avec d'autres acteurs des droits de l'homme et, parfois, avec les autorités ». Il est à souligner à juste titre que la nature des sources altère une partie de la crédibilité du rapport. Des informations confidentielles sont parfois sujet à la manipulation, etc comme souligné ci-haut, les autorités ont été rarement contactées (consultées).

2. Au paragraphe 4, le rapport semble prendre pour point de départ à la crise burundaise la date du 26 avril 2015 alors que dans sa conclusion, paragraphe 65, le rapport reconnaît que « la situation politique et sécuritaire au Burundi, qui était déjà tendue en 2014, s'est considérablement dégradée à partir d'avril 2015 ». En effet, prendre comme point de départ l'année 2015 fausse toute compréhension de la problématique burundaise. Le nœud du problème puise dans l'histoire récente et lointaine sans oublier la non compréhension commune par les acteurs politiques des principes démocratiques.

3. Dans le même paragraphe, il est également dit que « le gouvernement a refusé d'approuver toute demande de manifestations contre la candidature à un autre mandat de Pierre Nkurunziza ». Néanmoins, d'après l'enquête menée par le Ministère Public, aucune demande n'a été faite par quiconque des organisateurs des manifestations dites contre la candidature de Pierre Nkurunziza aux élections présidentielles de 2015 conformément au prescrit de la loi no 1/28 du 5 décembre 2013 portant réglementation des manifestations sur la voie publique et réunions publiques au Burundi. Comment le Gouvernement peut-il refuser une demande qui n'a pas été faite ?

4. Il ressort en effet, des documents disponibles et fournis par l'autorité du Ministère de l'Intérieur, autorité chargée de la gestion des manifestations, que depuis le mois de mars jusqu'au jour du déclenchement de ce mouvement insurrectionnel en date du 26 avril 2015 « aucune association ou parti politique n'avait fait une déclaration de vouloir faire une quelconque marche manifestation à l'exception du Parti CNDD-FDD dont les demandes ont été introduites respectivement en dates des 9 et 15 avril 2015 et dont les suites réservées à ces demandes ont été données en les 10 et 17 avril 2015 ».

5. Le rapport mentionne au moins 13 fois le mot Imbonerakure, désignant la Ligue des jeunes du parti au pouvoir, le CNDD-FDD. Le rapport fait état d'implication de ces jeunes dans les opérations de police. Les informations détenues par le Ministère en charge des

droits Humains et la Commission Nationale Indépendante des droits de l'Homme infirment les allégations contenues dans le rapport. Il faut extirper de ce rapport la référence aux Imbonerakure quand on parle des opérations de désarmement par la police.

6. Paradoxalement, ces jeunes gens qui terrorisaient la population en tirant durant la nuit, qui tuaient et jetaient des cadavres mutilés dans les différentes rues de Bujumbura sont, eux, qualifiés d'« individus ou groupes armés non-identifiés ».Comme si les déclarations des individus qui ont revendiqué ces atrocités n'ont jamais été « documentés » par le BHCDH-B, alors qu'ils l'ont été par des organisations internationales et des médias tant nationaux qu'internationaux. En outre, le rapport ne fait nulle part mention des jeunes qui se sont rendus et qui ont révélé avoir été recrutés, formés et armés pour créer le chaos dans le pays. Il est ici important de rappeler que depuis l'échec du coup d'État qui a vu la participation des manifestants assis sur les blindés, accompagnant les putschistes, les quartiers de Musaga, Mutakura, Jabe, Ngagara et Nyakabiga sont devenus les bastions des insurgés armés contre l'État du Burundi. Ces insurgés menaient constamment des attaques contre les forces de l'ordre. Le désarmement de ces insurgés ne peut relever que de la compétence des forces de défense et de sécurité. Par ailleurs ces insurgés armés s'attaquaient à la population qui ne les soutenait pas en général et contre les forces défense et de sécurité en particulier.

7. En outre, ce que le rapport dit au paragraphe 5, à savoir que « la répression s'est accentuée, visant des membres des forces de défense et de sécurité suspectés d'avoir été impliqués dans le coup d'État, des participants aux manifestations déclarées illégales, et des membres de l'opposition et de la société civile » est une allégation mensongère ou du moins exagérée, qui rejoint les déclarations des détracteurs du Gouvernement burundais. Qu'il y ait eu tentative de coup d'État et des crimes durant cette 3 période est incontestable. Que la justice travaille pour que droit soit lu est la moindre des choses dans un État de droit. Qualifier ce travail de la justice de « répression » est inapproprié. Le rapport présente l'image d'un pays où tous ceux qui ont été arrêtés sont des innocents qui devraient rester impunis. A la fin de ce paragraphe, le rapport parle de l'attaque de Kayanza mais, encore une fois, omet de parler de la provenance des attaquants, le Rwanda. Dans tout le rapport, il ne sera d'ailleurs pas fait mention des actes d'agression du Rwanda contre le Burundi alors que des évidences sont disponibles.

8. Aux paragraphes 6 et 7, le BHCDH-B attribue à la Police Nationale du Burundi (PNB), à l'Unité en charge de la Protection des Institutions (API), à la Brigade Anti-Emeute (BAE) et au Service National de Renseignement (SNR) et aux Imbonerakure des violations, abus et exécutions extrajudiciaires même s'il reconnait qu'« en novembre 2015, les attaques – souvent à l'arme lourde – et les meurtres perpétrés par des individus et groupes armés non identifiés à l'encontre des autorités et des membres des forces de défense et de sécurité ont augmenté ». La gravité de ces exactions est, dans le rapport, dilué par la qualification de « tendance » qui a culminé avec « l'attaque de quatre positions militaires à Bujumbura et dans ses environs » qui, selon le rapport, « a entraîné une vague de répression, par les forces de défense et de sécurité appuyées par des imbonerakure ». Parler de positions militaires au lieu de camps militaires est minimise l'action de ces individus armés dans la violation des droits de l'homme.

9. Au paragraphe 8, le Gouvernement du Burundi fait l'amer constat que l'auteur du rapport en concerne se réjouit cyniquement de l'assassinat ignoble du Lieutenant Colonel Darius Ikurakure, à qui il attribue les arrestations et les cas de torture, au lieu de le condamner. En effet, il est stipulé que son assassinat « aurait été suivi depuis lors, d'une diminution des arrestations arbitraires » dans la Zone Nord de Bujumbura. Un Organisme tel que le Haut-Commissariat des Nations Unies aux droits de l'homme ne devrait-il pas dénoncer plutôt toutes les violations des droits de l'Homme ?

10. Au-delà d'être une affirmation gratuite, la « vague de répression » dont parle le BHCDH-B s'appuie sur les dires des détracteurs du Gouvernement composés pour la plupart de personnes qui ont organisé et financé ces attaques. Vaincus sur le terrain militaire, ils ont poursuivi leur guerre médiatique nourrie par des allégations mensongères, reprises ici par les agents du BHCDH-B dont la neutralité, comme dit plus haut, est matière à discussion. Il est question, au paragraphe 10, de 134 meurtres documentés par le BHCDH-B et qui auraient été commis par ces « groupes non identifiés » tandis que les Imbonerakure en auraient 4 commis huit (8). A supposer que cela soit vérifié, pourquoi le BHCDH-B attribuerait-il tous les maux aux Imbonerakure au moment où l'écrasante majorité des crimes documentés par le même bureau sont le fait d'éléments qu'il qualifie de « non identifiés » ? Le Paragraphe 16 revient sur ces exécutions et ces cadavres retrouvés dans la rue, meurtres précédés par des disparitions forcées, « les victimes ayant été kidnappées avant d'être tuées et découvertes quelques temps après leur enlèvement ». Il aurait été juste et sensé de parler des personnes qui ont revendiqué ces crimes et de leurs motivations, ce qui ressort des témoignages poignants de ces jeunes gens qui ont préféré se rendre aux forces de l'ordre.

11. Il est d'autant plus visible que le rapporteur omet sciemment de préciser dans son rapport que les insurgés sont parmi les principaux auteurs des violations des droits de l'homme et des assassinats. En effet, comme l'affirment certains des insurgés armés qui se sont rendus, C'est eux qui tuaient non seulement des policiers et des civils qui n'étaient pas acquis à leur cause mais aussi achevaient leurs compagnons de lutte qui étaient grièvement blessés lors de leurs affrontements avec les forces de l'ordre. Ils jetaient les cadavres dans les rues et faisaient endosser la responsabilité de ces crimes soit à la police soit aux militaires afin de ternir ces corps.

12. De même, rappelons que lors du Coup d'Etat, les insurgés accompagnés de militaires et policiers acquis à la cause commune, ont saccagé et volé des armes et munitions à la police et ont commis des assassinats et détruit pas mal de biens publics et privés. Le rapporteur passe également sous silence que les droits des enfants ont été violés par les insurgés de par les organisateurs de ces manifestations qui ont incorporé dans leurs rangs beaucoup d'enfants pour diverses raisons. En effet, selon les informations recueillies, ces insurgés savent que les enfants sont pénalement irresponsables et que conséquemment les dégâts causés par leurs faits ne peuvent aucunement engager leur responsabilité pénale. Les organisateurs consacrent ainsi l'impunité de leurs crimes. De même, ces enfants constituaient des boucliers humains pour les organisateurs de l'insurrection. L'incorporation des enfants dans cette insurrection viole non seulement le droit interne mais aussi les principes de la déclaration des droits de l'enfant du 20 novembre 1959. Il en va de même de leur incorporation dans les rangs des groupes armés qui ont mené des attaques le 10 juillet 2015 dans les provinces de Kayanza et Cibitoke. Comme ces « enfants » étaient appréhendés en flagrant délits ils ont été relaxés après investigation.

13. Pour ce qui de menaces proférées au personnel soignant, le rapporteur ne précise pas les cas et ne les a même pas dénoncés au Ministère Public durant les enquêtes 5 qui ont été diligentées contre les infractions qui se commettaient à ce moment. De plus, le cas de BUMEREC a plutôt retenu l'attention du Ministère public et d'après l'enquête menée, les militaires putschistes se sont retranchés dans cet hôpital après l'échec de leur tentative de s'emparer de la Radiotélévision Nationale du Burundi. Ils sont alors entrés à l'intérieur de l'hôpital avec leurs armes. Quand une force policière a tenté de les poursuivre, ils ont abattu un des policiers avant de mener une véritable résistance à partir de l'intérieur de cette zone hospitalière. L'hôpital a enregistré beaucoup de dommages au cours des échanges de tirs entre les mutins qui s'y étaient retranchés et les forces loyalistes. Le rapporteur met sur le dos des Forces de défense et de Sécurité la responsabilité des disparitions forcées généralement suivis de meurtres. Néanmoins, il ressort des enquêtes menées par la justice et

des déclarations des insurgés qui se sont rendus et ceux qui ont été appréhendés que ces forces négatives ont enlevé et tués des personnes qu'ils soupçonnaient ne pas les soutenir.

14. Le rapporteur même s'il accorde les enquêtes menées par la justice d'être non indépendantes, lui-même il ne rapporte nulle part où il a cherché à savoir auprès des organisateurs de ce mouvement insurrectionnel, comment était organisé leur action et les faits qui ont caractérisé cette action. Bien plus, le rapporteur n'a jamais daigné entrer en contact avec les autorités du Ministère public pour échanger sur tel ou tel autre aspect des enquêtes qui nécessitaient des éclaircissements.

15. Pour illustrer ces enlèvements suivis d'exécution, on cite le cas de Marie-Claudette Kwizera. Il faut soulignet qu'un dossier a été ouvert au Parquet de la Mairie de Bujumbura sous le RMP 154370/LB. Ce dossier est en cours d'instruction et voit ceux collabore avec la justice.

16. Notons également et à toutes fins utiles que des fois on se limite à dire seulement que quelqu'un est porté disparu sans en rapportet la preuve. En effet, certaines personnes déclarées disparues sont soit en exil ou se sont enrôlées dans les groupes armés ou des fois sont détenues pour des infractions ou crimes divers. Le cas le plus parlant est celui d'un certain Elvis Arakaza, présumé porté disparu en date du 14 décembre 2015. Néanmoins, ce dernier est poursuivi dans le dossier RMP 153950/NAL et est détenu à la prison de Ngozi.

17. Sur la question de liberté d'expression, le rapport revient sur la destruction des médias les 13 et 14 mai 2015 lors de la tentative de Coup d'Etat. Le BHCDH-B accuse directement « les forces loyalistes » d'avoir « violemment attaqué et pillé plusieurs radios privées, dont la RPA, visée à la roquette puis incendiée ». A défaut d'en fournir les preuves, le BHCDH-B s'inscrit dans une logique de déstabilisation des institutions républicaines par ce mensonge. Le Gouvernement du Burundi a formellement démenti ces allégations. L'étonnant que le rapport n'en fasse même pas mention. Par ailleurs, ces stations radio étaient aux mains des putschistes, ce que reconnait le rapport qui affirme que la RPA « avait été ouverte la veille [de la tentative du Coup d'Etat] par les putschistes ». Le Directeur de la Radio Bonesha et en même temps Président de l'Union Burundaise des Journalistes (UBJ), M. Patrick Nduwimana, également correspondant de Reuters à Bujumbura, a lui-même reconnu avoir envoyé un message SMS à l'un des Chefs des mutins lui demandant à la fois d'aller détruire la Radio Rema FM et de déployer des éléments pour sécuriser les stations RPA, Isanganiro et Bonesha. Les enquêtes qui ont été menées ont prouvé que certains responsables des médias étaient parties prenantes à cette tentative du putsch et sont sous mandat d'arrêt international. A ce titre les faits pour lesquels ils sont poursuivis sont des faits qui tombent sous le coup de la loi pénale et ils doivent en répondre personnellement non pas comme journaliste mais comme tout citoyen qui a commis une infraction de droit commun.

18. Pour ce qui de la torture et autres traitements cruels, inhumains ou dégradants, qui sont rapportés, le seul cas qui a été porté à la connaissance du Ministère Public est celui de Esdras Ndikumana. En effet, par l'entremise de son avocat conseil, il a déposé une plainte au Parquet. A l'état actuel de l'instruction du dossier RMP(c) 11158/NDR ouvert à cet effet, en dépit de sa promesse de rapporter au magistrat instructeur les noms des présumés tortionnaires de son client, l'avocat n'a jusqu'ici donné une quelconque indication d'identification de ces présumés tortionnaires pour les interpeller. Le dossier reste ouvert et est en cours d'instruction.

19. Pour ce qui est des Violences sexuelles ou basées sur le genre, il est fait état que c'est lors des combats et fouilles perquisition menées par les forces de sécurité que ces forfaits se commettent. Le rapporteur cite le cas de l'attaque des camps militaires en date du 11 décembre 2015. Quand le Ministère Public a eu connaissance de ces faits, un dossier répressif RMP 154051/NTT/HL a été ouvert au Parquet en Mairie de Bujumbura.

Curieusement, jusqu'à présent aucune victime ou un quelconque témoin n'est jusqu'ici venue faire ses dépositions. Signalons, toutefois que de l'enquête déjà menée, les allégations de ces prétendus viols sur base ethnique n'avaient qu'une seule finalité, celle de ternir l'image des corps de défense et de sécurité pour créditer la prétendue théorie de génocide véhiculée par certains leaders de ces insurgés comme l'affirment ceux qui ont pris part dans la réalisation de ces montages lesquels montages ont été perpétrés par certaines organisations internationales. Le Centre SERUKA qui s'occupe de la 7 prise en charge des victimes des violences sexuelles basées sur le genre n'a par ailleurs enregistré aucun cas de viol commis sur les femmes autour du 11 décembre 2015 comme indiqué dans le présent rapport. Il apparaît même que dans les quartiers des insurgés, il n'y a eu presque pas de cas de viol enregistré si l'on compare aux autres quartiers soit disant acquis à la cause du pouvoir. Le viol est effectivement un phénomène de société au Burundi depuis une dizaine d'années que le Gouvernement s'emploie à juguler en mettant sur pied différents mécanismes et instruments juridiques. Le Président Pierre Nkurunziza a même décrété la tolérance zéro pour le viol.

20. Contrairement aux affirmations contenues dans le rapport, C'est dans ce cadre que les journalistes Philip Edward Moore et Jean-Philippe Remy ont été poursuivis dans le dossier RMPG 718/NTH lorsqu'ils ont été appréhendés en flagrant délit dans la Zone Nyakabiga au moment où cette localité constituait l'un des bastions des insurgés. Il s'est avéré que certains journalistes en quête de scoops, et certains activistes des organisations internationales aidaient les insurgés armés dans la réalisation de ces montages en vue de ternir l'image des corps de défense et de sécurité au profit de certains intérêts inavoués.

21. Il est important de signaler que tous les actes répréhensibles dont le Ministère public a eu connaissance, plus particulièrement des actes de violences sexuelles ou basées sur le genre font et ont toujours fait objet d'enquêtes. Dans la plupart de ces dossiers, les auteurs de ces crimes ont été identifiés, arrêtés et poursuivis devant les juridictions compétentes. Le chiffre de dix mille (10 000) cas avancé par le rapporteur est mal interprété. Il s'agit d'un condensé de cas de violences basées sur le genre de toutes sortes et non seulement de viols. Durant la période considérée, les cas qui ont de viol relevés sont de l'ordre de 700 cas sur tout le territoire.

22. Pour le cas de la tentative d'assassinat de Mbonimpa Pierre Claver, un dossier RMP 152407/NKC a été ouvert dans les registres du Ministère Public et est en cours d'instruction. Néanmoins, le Ministère Public déplore l'absence de coopération de l'intéressé qui, depuis l'ouverture de l'enquête, a refusé de collaborer avec la justice pour que la vérité éclate au grand jour.

23. Pour ce qui est de la garantie d'un procès équitable, le Burundi est doté des instruments juridiques standards qui permettent de rendre un procès équitable. Pour ce qui est de la carrière des magistrats, cela nécessite beaucoup de réformes qui touchent même la révision de la Constitution. En somme, toute atteinte au droit de la personne humaine dont la justice burundaise a pris connaissance a fait 8 objet d'enquêtes judiciaires. Ainsi, pour contester la crédibilité de ces enquêtes il faut rapporter des éléments qui prouvent le contraire des conclusions de ces enquêtes. Par ailleurs, celui qui a connaissance d'une infraction doit la rapporter aux instances habilitées à diligenter une enquête. Le rapporteur devrait donc préciser quels sont les cas qui n'ont pas encore fait objet d'enquête et les rapporter au Ministère public. Ce qui par ailleurs est du domaine de l'ordre public et de la responsabilité de tout un chacun.

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Human rights situations that require the Council's attention

Letter dated 24 June 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith a joint press release of the Prosecutor General's Office and the Ministry of Internal Affairs of the Republic of Azerbaijan on the damages inflicted upon civilians and civil objects as result of provocations by Armenia since 2 April 2016 (see annex).

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the thirty-second session of the Human Rights Council under agenda item 4.

(*Signed*) Vaqif Sadiqov

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

GE.16-12650(E)

1612650

Please recycle

Annex to the letter dated 24 June 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Joint press release dated 3 April 2016 of the Prosecutor General's Office and the Ministry of Internal Affairs on damages inflicted upon civilians and civil objects as result of recent provocation of Armenia

In the recent days by flagrantly violating the ceasefire regime and the requirements of international law, the Armenian armed forces have set to fire with large-caliber weapons, mortars, grenade launchers and artillery towards the frontline position of Azerbaijan as well as the non-residential areas and civilian facilities away from the contact line.

As the result of recent provocative and subversive acts which took place on April 2, attempts to murder and intentional destruction of citizens private property in large amounts, the murder civilian population with the intention of ethnic hatred cases were recorded. 2 civilians lost their lives while 10 persons sustained various wounds. The citizens faced large amounts of financial loss and received serious mental harm. One primary school, numerous houses, facilities and manufacturing plants were shot by artillery and many vehicles and high voltage power lines were damaged.

On the same day at 08:00 one of the missiles launched in direction of Qaraghaci village of Tartar region made an impact on the vehicle, model "VAZ 2107" driven by the settler Rahimov Jalal Saday which resulted in the death by blood loss of the passenger Rahimov Orkhan Valeh born 1993, who also was Qaraghaci village settler, from loss of both legs and various shrapnel wounds. The driver of the vehicle Jalal Rahimov and Ahmadov Ramin Rafig, born 1990, who was nearby the vehicle during the impact received numerous shrapnel wounds.

In addition, on the same day at 12:00 as the result of Armenian side's artillery shots one of the missiles impacted the house of Ahmadov Isa Ali, located in the same village. As a result I.Ahmadov was checked in at the Barda Central region hospital with numerous shrapnel wound all over his body.

At 19:20 one of the missiles launched in direction of Shikharkh village made an impact on the vehicle, model "Niva-2121" driven by the settler Aliyev Sadig Natig, born 1987. At the result the passenger of the vehicle Asadli Farman Elchin, born 1992, passed away from blood loss caused by the numerous shrapnel wounds. Driver and the other passenger Rahimov Mubariz Vagif, born 1982 received numerous shrapnel wounds.

At 20:00 Aghdam region, Efetli village settler Huseynov Jumshud Islam, born 1953, was wounded on his back by the result of an explosion near his house caused by missile shot from a cannon by Armenian armed forces. He was immediately checked in to hospital.

In the time lapse of 21:00 as the result of enemy artillery shots in the direction of Seydimli village one of the missiles made an impact on the house of the village settler Valiyev Vahid Vali, born 1951 wounding him and his grandson Sanan Valizade born 2003, very badly.

On 2nd of April the inhabitant of the Garaguchag village of Goranboy region Ibrahimov Abdulazim Mursal, born 1938 and Allahverdiyev Abbas Shiraslan, born 1974, inhabitant of Tapgaragoyunlu village were badly wounded as the result of missiles launched by the Armenian side.

One of the missiles launched by the Armenian Armed Forces completely destroyed the house of Terter city settler Kruglova Olga Ivanova born 1949.

In regards with all the cases mentioned above, criminal cases were filed in accordance with the relevant Articles of the Criminal Code and necessary investigations are being carried out.

The tasks put forward by the President of the Republic of Azerbaijan and Supreme Commander-in-Chief of the Armed Forces Ilham Aliyev at the meeting of the Security Council to protect the public order in combat areas, to ensure the safety of civilians is carried out accordingly by the relevant law enforcement bodies and the operational situation is held under control.

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Letter dated 24 June 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith a press release of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the deterioration of the situation on the line of contact of the armed forces of Armenia and Azerbaijan since 2 April 2016 (see annex).

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the thirty-second session of the Human Rights Council under agenda item 4.

(Signed) Vagif Sadiqov

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

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Please recycle

Annex to the letter dated 24 June 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Press release dated 28 April 2016 by the Press Service of the Ministry of Foreign Affairs on the recent escalation of the situation

We share the concerns of the US Department of State and the Ministry of Foreign Affairs of the Russian Federation on the deterioration of the situation at the line of contact (LoC) of the Armed Forces of Armenia and Azerbaijan.

Starting from the late hours of April 27 until April the 28th, the Armed Forces of Armenia using large-caliber weapons, mortars and heavy artillery shelled the densely populated civilian areas, state owned and private properties in Tartar and Aghdam districts of Azerbaijan, and the positions of the Azerbaijani Armed Forces.

As a result of irresponsible and targeted shelling of heavy weapons by the Armenian side against civilian Azerbaijani population in flagrant violation of the international humanitarian law, one civilian was killed, seven others were wounded in Aghdam region. As a consequence, on the night of 27-28 April alone more than 20 properties and social objects in Tartar and Aghdam regions were severely damaged. Overall, due to similar acts by Armenia starting from 2 April, public and private properties located in the settlements adjacent to the LoC have been severely damaged.

Cluster munitions used by the Armenian troops against the civilian Azerbaijani population living densely along the line of contact aimed at intentional destruction of manpower, do not bear any military goal and serve solely to perpetrate mass killings among the civilians. Unexploded cluster ordinances are source of threat for the lives and property of civilians for a long period of time.

Attempts of the Armenian Armed Forces to repeatedly carry out killings of civilians by inhumane means, is not an exceptional case, but rather an integral part of a planned and systematic state policy of terror implemented by the Republic of Armenia against Azerbaijan.

The claims of official Yerevan on the damage inflicted upon civilians and properties in the territories along the line of contact controlled by Armenia are false. As a result of ethnic cleansing of Armenia against Azerbaijani population in the occupied territories, there are no civilians in the line of contact controlled by Armenia.

The Republic of Azerbaijan urges the international community to strongly condemn the Republic of Armenia for disregarding the ceasefire agreement reached between the chiefs of the General Staff of the Armed Forces of the Republic of Azerbaijan and the Republic of Armenia on 5 April 2016 by such provocative actions as deterioration the situation, deliberately targeting the civilians, the private and public property and by rejecting the negotiations on the peaceful settlement of the ongoing conflict.

The responsibility of the responsive (retaliatory) actions that would be taken by the Azerbaijani Armed Forces against the Armenian military targets in order to ensure the safety of the civilian population living along the LoC, fully lies on Armenia.

The Azerbaijani side has comprehensively informed and warned the international community of Armenia's preparations of new provocations.

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Human rights situations that require the Council's attention

Letter dated 24 June 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the tensions on the line of contact of the armed forces of Armenia and Azerbaijan since 2 April 2016 (see annex).

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the thirty-second session of the Human Rights Council under agenda item 4.

(*Signed*) Vaqif Sadiqov

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

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1612652

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Annex to the letter dated 24 June 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Statement dated 3 April 2016 of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the tension in the line of contact

On April 2, 2016 Armenia targeting civilians densely residing in the territories adjacent to the frontline area opened intensive heavy weapons fire at the positions of Azerbaijan's armed forces along the line of contact. As a result of artillery attacks of Armenian armed forces a number of civilians were killed and seriously wounded. Substantial damages were also inflicted upon the private and public properties.

The armed forces of Azerbaijan have taken the necessary counter measures within its internationally recognized borders to ensure the safety of civilian population, to stop the provocations of Armenia and to deter it from further acts of aggression. Currently, the situation remains tense. Shelling of Azerbaijan's positions along the contact line with heavy weapons, including with artillery continues.

Armenia in an attempt to reinforce its heavy artillery in the occupied territories deploys additional rocket and artillery forces and its military helicopters conduct intensive shuttle flights between occupied territories and Armenia.

Over the past years such violations and armed provocations of Armenia by attacking and killing Azerbaijani military personnel as well as civilians with the use of mortars and large-caliber machine guns and artillery have become more frequent and violent.

Armenia's desperate attempts to blame Azerbaijan for the escalation of the situation in the frontline aimed at misleading its own people and the wider international community.

Azerbaijan has repeatedly brought to the attention of the international community that the illegal presence of Armenian armed forces in the occupied territories of Azerbaijan remains a main cause for the escalation of situation and continues to pose threat to the regional peace and stability. Armenia, by consistent provocations and escalation of the situation, strengthening of its military build-up in the occupied territories, illegally changing the demographic, cultural and physical character of the seized lands, engaging in unlawful economic and other activities, including transfer of Armenian population into these territories pursues an apparent goal of annexation of Azerbaijan's territories and consolidating the status-quo, which is unacceptable and unsustainable as it was also stated by the Heads of States of OSCE Minsk Group Co-Chairs. It is Armenia that also blocks all initiatives of OSCE Minsk Group Co-Chairs, including the recent proposals of Russian Foreign Minister Sergey Lavrov to derail the negotiation process. It once again proves that the official Yerevan is not genuinely interested in seeking a political settlement of the armed conflict.

The fundamental basis for the settlement of the conflict is laid down in the United Nations Security Council resolutions 822(1993), 853(1993), 874(1993) and 884(1993) and the U.N. General Assembly resolution 62/243 (2008), which condemn the use of force against Azerbaijan and occupation of its territories and reaffirm the sovereignty and territorial integrity of Azerbaijan and the inviolability of its internationally recognized borders. In those resolutions, the United Nations reaffirmed that the Nagorno-Karabakh region is an inalienable part of Azerbaijan and demanded immediate, complete and

unconditional withdrawal of the occupying forces from all occupied territories of Azerbaijan.

The military occupation of the territory of Azerbaijan does not represent a solution and will never produce a political outcome desired by Armenia. The sooner Armenia reconciles with this reality, the earlier the conflict will be resolved and the countries and peoples in the region will benefit from the prospects of cooperation and economic development.

Azerbaijan calls the international community to demand from Armenia to cease the illegal occupation of Azerbaijan's territories, to withdraw its troops from all seized lands and to engage constructively in the conflict settlement process in accordance with the requirements of relevant resolutions of the UNSC and the norms and principles of international law.

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Human rights situations that require the Council's attention

Letter dated 24 June 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith information on further violations of international humanitarian law by Armenia in the context of the intensification of the armed conflict between Armenia and Azerbaijan since 2 April 2016 (see annex).

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the thirty-second session of the Human Rights Council under agenda item 4.

(Signed) Vaqif Sadiqov

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

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Please recycle

Annex to the letter dated 24 June 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Information on further violations of international humanitarian law by Armenia in the context of intensification of the armed conflict between Armenia and Azerbaijan since April 2, 2016

For more than two decades, Armenia has been using force against the territorial integrity of Azerbaijan. It occupied twenty percent of Azerbaijan's territories and ethnically cleansed about one million Azerbaijanis from those areas, and committed numerous other war crimes, crimes against humanity, and genocide. Armenia openly disregards the UN Security Council resolutions No 822, 853, 874 and 884 that reaffirm the territorial integrity of Azerbaijan, and demand immediate, full and unconditional withdrawal of occupying forces from Azerbaijani territories.

Starting from the early morning of April 2, 2016, Armenia has intensified its military activity in the conflict area, which has been accompanied with numerous acts of violation of international humanitarian law tantamount to war crimes and crimes against humanity. Armenia has been conducting systematic, deliberate and targeted attacks on non-combatant civilian population encompassing inter alia women, children and elderly residing in the densely populated areas adjacent to the line of contact of armed forces of Armenia and Azerbaijan. As a result of the bombardment of 32 settlements, 6 civilians, among them 2 children below 16 years, were killed and 26 civilians were seriously wounded. Without timely use of effective civil defense measures, the number of causalities among population would be significantly higher. Substantial damages were inflicted upon private and public property, including civilian critical infrastructure. 232 private houses, 99 electricity poles, 3 electrical substations, kilometers of water and gas pipelines were destroyed. Guided missile attacks were directed on social facilities, including schools, hospitals, and places of worship. Instruction had to be suspended in 28 of the damaged schools. One mosque was hit during prayer with high-caliber artillery shells. Compiled information on the consequences of attacks, as of 6 April 2016, is attached.

Armenia's actions represent a grave violation of international humanitarian law, in particular the provisions of the Geneva Conventions of 1949 and Additional Protocols thereto, as well as 1954 Hague Convention on the protection of cultural property in the event of armed conflict. As a result of those deliberate attacks, a large number of civilians have been deprived of their basic rights to life, health, property, education, communication, and practicing their religion.

Azerbaijan has taken appropriate measures to counter Armenia's use of force against its territorial integrity and sovereignty, and to ensure the safety of civilian population and property within its internationally recognized borders.

Azerbaijan has repeatedly brought to the attention of the international community that the primary reason of the tension in the region is the unlawful presence of the armed forces of Armenia in the territories of Azerbaijan. The recent actions of the military dictatorship of Armenia, which is led by a group of war criminals, represents a serious challenge to international peace and security, and the values that the civilized world stands for. The Republic of Azerbaijan calls upon the international community to condemn Armenia on its blatant violation of international humanitarian law. Azerbaijan will spare no efforts to ensure peace and justice in the region.

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Human rights situations that require the Council's attention

Letter dated 24 June 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan concerning the consequences of the armed attacks by Armenia against the civilian Azerbaijani population and property since 2 April 2016 (see annex).

I would be highly appreciative if you could kindly circulate the present letter and the annex thereto* as a document of the thirty-second session of the Human Rights Council under agenda item 4.

(Signed) Vaqif Sadiqov

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

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Please recycle

Annex to the letter dated 24 June 2016 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Statement dated 21 April 2016 by the Ministry of Foreign Affairs of the Republic of Azerbaijan

The ongoing armed conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan has resulted in the occupation of almost one fifth of the territory of Azerbaijan and has made approximately one out of every nine persons in the country an internally displaced person or a refugee. The Republic of Armenia bears the responsibility for unleashing the war and using force against Azerbaijan, occupying its territories, carrying out ethnic cleansing on a massive scale and committing other serious crimes during the conflict.

The international community has consistently deplored, in the strongest terms, the use of military force against Azerbaijan and the resulting occupation of its territories. In 1993, the United Nations Security Council adopted resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), condemning the use of force against Azerbaijan and occupation of its territories and reaffirming the sovereignty and territorial integrity of Azerbaijan and the inviolability of its internationally recognized borders. In those resolutions, the Security Council reaffirmed that the Nagorno-Karabakh region is part of Azerbaijan and called for immediate, complete and unconditional withdrawal of the occupying forces from all occupied territories of Azerbaijan. Other international organizations have adopted a similar position.

In total disregard of the position of the international community and in flagrant violation of international law, Armenia continues to undertake efforts aimed at further consolidating the current status quo of the occupation, strengthening its military build-up in the seized territories, changing their demographic, cultural and physical character and preventing the hundreds of thousands of Azerbaijani forcibly displaced persons from returning to their homes and properties in those areas.

Moreover, regular ceasefire violations, attacks on the towns and villages in Azerbaijan situated along the line of contact of the armed forces of Armenia and Azerbaijan and the border between the two States have become more frequent and violent in recent times, resulting in the killing and injuring of Azerbaijani civilians. The Republic of Azerbaijan has repeatedly brought its strong protests and serious concerns in that regard to the attention of the international community and has made it clear on numerous occasions that the unlawful presence of the armed forces of Armenia in the occupied territories of Azerbaijan is the main cause of tensions and incidents in the conflict zone and the major impediment to the political settlement of the conflict. The Republic of Azerbaijan has also repeatedly stated that the military occupation of its territories does not represent a solution and will never produce a political outcome desired by Armenia.

Starting from the early morning of April 2, 2016, the armed forces of Armenia increased fighting from their positions in the occupied territories, subjecting the armed forces of Azerbaijan along the line of contact and the adjacent densely populated areas under control of Azerbaijan to intensive fire with heavy artillery and large-caliber weapons. As a result of Armenia's attacks and subsequent hostilities, 34 towns and villages along the line of contact were shelled, a number of Azerbaijani civilians, including children, were

killed and wounded. Substantial damages were inflicted upon the private and public property. Thus, 353 civilian buildings, among them 314 residential houses, 3 schools, 3 kindergartens, 1 cultural center and other civilian objects were either destroyed or damaged. Furthermore, 357 electricity poles, 3 power substations, 30 transformers, as well as water reservoirs, gas pipelines, roads and other property were damaged. An updated information on the consequences of attacks by the armed forces of Armenia as of 18 April 2016 is attached.

Armenia's offensive actions also caused casualties and injuries among the servicemen of the armed forces of Azerbaijan. On 10 April 2016, the International Committee of the Red Cross facilitated the handover, between the sides, of the bodies of those killed in action following the recent escalation. Subsequently performed forensic medical examination registered numerous signs of post-mortem mutilation of the bodies of Azerbaijani servicemen.

By its deliberate offensive actions, Armenia undermined the ceasefire regime established in 1994 and endangered the prospects of the political settlement of the conflict. On 5 April 2016 in Moscow, under the mediation efforts of the Russian Federation, the ceasefire was agreed between Armenia and Azerbaijan. Despite that, Armenia continues to violate that agreement by firing at the positions of the armed forces of Azerbaijan and the towns and villages situated along the line of contact with the use of large-caliber machine guns, mortars, grenade launchers and artillery systems.

Armenia's direct and deliberate attacks against the Azerbaijani civilian population and civilian objects, as well as inhuman acts against Azerbaijani militaries constitute a serious violation of international humanitarian and human rights law, in particular the 1949 Geneva Conventions and Additional Protocol I thereto, the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict and its protocols, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention for the Protection of Human Rights and Fundamental Freedoms.

Alongside the Republic of Armenia's responsibility as a State for internationally wrongful acts, violations by Armenia of international humanitarian and human rights law during the conflict amount to crimes under international criminal law. The overall assessment of the causes and consequences of the war unleashed by Armenia against Azerbaijan make it absolutely clear that the crimes committed by Armenia during the conflict were not isolated or sporadic acts, but were part of Armenia's widespread and systematic policy and practice of atrocities. The Republic of Azerbaijan is confident that the consistent measures being taken at the national level, as well as the existing international legal framework, will serve to bring to justice those responsible for the grave offences committed in the course of Armenia's aggression against Azerbaijan.

The Republic of Azerbaijan urges the international community to condemn Armenia for blatant violation of international law and insist on the implementation of the aforementioned UN Security Council resolutions. The conflict can only be resolved on the basis of the sovereignty and territorial integrity of Azerbaijan within its internationally recognized borders. The Republic of Azerbaijan will spare no effort towards achieving the political settlement of the conflict and ensuring peace and justice in the region.

Updated information on the consequences of attacks by the armed forces of Armenia as of 18 April 2016.

Information on the consequences of the armed attacks by Armenia against the civilian population and the property of the Republic of Azerbaijan since April 02, 2016

(as of 18/04/2016)

#		Total	Including (districts)				
			Aghdam	Tartar	Goranboy	Fuzuli	Aghjabadi
1.	Number of shelled settlements	34	16	9	5	1	3
2.	Number of fired projectiles	95	65	15	7	1	7
3.	Killed civilians	4	1	3	-	-	-
4.	Wounded and injured civilians	26	10	8	6	1	1
5.	Damaged buildings, including	353	98	170	85	-	-
	- Residential houses, out of them	314	72	163	79	-	-
	• completely destroyed houses	14	5 (Evoglu-2 Gervend-1 Sarebab-1 Uchoglan-1)		9 (Tap Garagoyunlu)		
	• severely damaged houses	26	-	25 (Tartar city-3 Shahsakh district-4 Gapanli-12 Yukhari Garadagli-3 Azad Garagoyunlu-1 Duyarli-1 Gurasgadly-1)	-	-	
	• damaged houses	275	67	138	70	-	-
	Non-residential buildings	13 (3 schools, 3 kindergartens, 2 medical points, 1 cultural center, 1 building of the public administration, 3 buildings belonging to business)	4 (1school(Sarıdjali) 1 kindergarten (Sarıdjali) 1 building of the public administration (Afatlı) 1 store (Sarıdjali)	5 (2 schools Garaagadly, Gapanlı, 2 medical points (Yukhari Gapanlı, Gapanlı) 1 kindergarten (Gazyan)	4 (1 cultural center, 1kindergarten (Tapagoyunlu) 2 buildings belonging to business (Zeyve, Tap Garagoyunlu)	-	-
	Other types of buildings	26	22	2	2	-	-
6.	Perished livestock	290	110	120	60	-	-
7.	Affected sown areas (in hectares)	208 ha of grain 28 ha of beetroot	-	208 ha of grain (Garaagadly-100 ha, Yukhari Garadagly- 50 ha, Shekhakh- 30 ha, Huseinli-28 ha) 28 ha of beetroot (Huseinli)	-	-	-
8.	Damaged electricity infrastructure	3 power substations in 3 villages, 30 transformers in 9 villages, 357 electricity poles, 297 traverses, 1084 isolators, 49 counters, 3 km. of cables, 41.7 km. of wires in 14 villages	1 power substation, 2 transformers, 60 electricity poles (Evoglu village)	2 power substations (Romaylibeyli and Demirchelar), 8 transformers in 3 villages, 137 electricity poles (12 villages), 137 traverses, 288 isolators, 49 counters, 20.8 km. wires, 2 km. cables	26 transformers, 10 kWh electricity poles- 56, 0.4 kWh electricity poles -104 (5 villages), 26.9 km. wires, 796 isolators, 160 traverses (Tap Garagoyunlu)	-	-
9.	Damaged water supply infrastructure	15 sub artesian wells in 8 villages, water reservoirs and water lines in 3 villages	-	14 sub artesian wells (in 7 villages), water reservoirs and water lines in Gapanli and Garadagli villages	1 sub artesian well, Water line of 1650 m. length (Tap Garagoyunlu)	-	-
10.	Damaged gas supply infrastructure	pipelines in 5 villages, 15 counters in 1 village	-	Pipelines in Gapanli, Duyerli, Kochers, Garadagli, and Goynuq villages	15 counters (Tap Garagoyunlu)	-	-
11.	Damaged communication infrastructure	9560 m. of cables 320 m. of wires, 17 communication poles in 7 villages	-	7780 m. of cables (Yukhari Garadagli, Garaagadly, Gazyan), 10 telephone poles	1100 m. of cables, 7 telephone poles (Tap Garagoyunlu) 320 m. of wires (Zeyve), 680 m. of cables (Gampadjig, Hadjalli)	-	-
12.	Damaged road infrastructure	4 km. of the Tap Garagoyunlu-Naftalan road fall into disrepair	-	3 km. of road in Gapanli village has been damaged	4 km. of the Tap Garagoyunlu-Naftalan road fall into disrepair	-	-